

111TH CONGRESS
2^D SESSION

H. R. 6523

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Ike Skelton National Defense Authorization Act for Fis-
6 cal Year 2011”.

7 (b) REFERENCES.—Any reference in this or any
8 other Act to the “National Defense Authorization Act for
9 Fiscal Year 2011” shall be deemed to refer to the “Ike
10 Skelton National Defense Authorization Act for Fiscal
11 Year 2011”.

12 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
13 **CONTENTS.**

14 (a) DIVISIONS.—This Act is organized into three divi-
15 sions as follows:

16 (1) Division A—Department of Defense Au-
17 thorizations.

18 (2) Division B—Military Construction Author-
19 izations.

20 (3) Division C—Department of Energy Na-
21 tional Security Authorizations and Other Authoriza-
22 tions.

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

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Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

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- 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.

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.
- Sec. 1510. Operation and maintenance.
- Sec. 1511. Military personnel.
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- Sec. 1513. Defense Health Program.
- 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.

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.

TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

- Sec. 1701. Short title.
- Sec. 1702. Recognition of the suffering and loyalty of the residents of Guam.
- Sec. 1703. Payments for Guam World War II claims.
- Sec. 1704. Adjudication.
- Sec. 1705. Grants program to memorialize the occupation of Guam during World War II.
- Sec. 1706. Authorization of appropriations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Funding tables.

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.

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.

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.

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.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
 Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—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.

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.

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.

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.

TITLE XXX—MILITARY CONSTRUCTION FUNDING TABLES

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.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

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.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

- 2 For purposes of this Act, the term “congressional de-
- 3 fense committees” has the meaning given that term in sec-
- 4 tion 101(a)(16) of title 10, United States Code.

5 DIVISION A—DEPARTMENT OF

6 DEFENSE AUTHORIZATIONS

7 TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.

Subtitle B—Navy Programs

- Sec. 111. Multiyear funding for detail design and construction of LHA Replacement ship designated LHA-7.
- Sec. 112. Requirement to maintain Navy airborne signals intelligence, surveillance, and reconnaissance capabilities.
- Sec. 113. Report on naval force structure and missile defense.

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.

Sec. 122. System management plan and matrix for the F-35 Joint Strike Fighter aircraft program.

Sec. 123. Quarterly reports on use of Combat Mission Requirements funds.

Sec. 124. Counter-improvised explosive device initiatives database.

Sec. 125. Study on lightweight body armor solutions.

Sec. 126. Integration of solid state laser systems into certain aircraft.

Sec. 127. Contracts for commercial imaging satellite capacities.

1 **Subtitle A—Authorization of**
 2 **Appropriations**

3 **SEC. 101. ARMY.**

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

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

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

8 (3) For weapons and tracked combat vehicles,
 9 \$1,656,263,000.

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

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

12 **SEC. 102. NAVY AND MARINE CORPS.**

13 (a) NAVY.—Funds are hereby authorized to be appro-
 14 priated for fiscal year 2011 for procurement for the Navy
 15 as follows:

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

17 (2) For weapons, including missiles and tor-
 18 pedoes, \$3,358,264,000.

1 (3) For shipbuilding and conversion,
2 \$15,724,520,000.

3 (4) For other procurement, \$6,381,815,000.

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

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2011 for procurement of ammunition for the Navy and
10 the Marine Corps in the amount of \$817,991,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2011 for procurement for the Air Force as fol-
14 lows:

15 (1) For aircraft, \$14,668,408,000.

16 (2) For ammunition, \$672,420,000.

17 (3) For missiles, \$5,444,464,000.

18 (4) For other procurement, \$17,845,342,000.

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

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

1 **Subtitle B—Navy Programs**

2 **SEC. 111. MULTIYEAR FUNDING FOR DETAIL DESIGN AND**
3 **CONSTRUCTION OF LHA REPLACEMENT SHIP**
4 **DESIGNATED LHA-7.**

5 (a) **AUTHORITY TO USE MULTIPLE YEARS OF FUND-**
6 **ING.**—The Secretary of the Navy may enter into a con-
7 tract for detail design and construction of the LHA Re-
8 placement ship designated LHA-7 that provides that, sub-
9 ject to subsection (b), funds for payments under the con-
10 tract may be provided from amounts authorized to be ap-
11 propriated for the Department of Defense for Shipbuilding
12 and Conversion, Navy, for fiscal years 2011 and 2012.

13 (b) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
14 **MENTS.**—A contract entered into under subsection (a)
15 shall provide that any obligation of the United States to
16 make a payment under the contract for a fiscal year after
17 fiscal year 2011 is subject to the availability of appropria-
18 tions for that purpose for such later fiscal year.

19 **SEC. 112. REQUIREMENT TO MAINTAIN NAVY AIRBORNE**
20 **SIGNALS INTELLIGENCE, SURVEILLANCE,**
21 **AND RECONNAISSANCE CAPABILITIES.**

22 (a) **FINDINGS.**—Congress finds the following:

23 (1) The Navy terminated the EP-X program to
24 acquire a new land-based airborne signals intel-
25 ligence capability because of escalating costs and

1 funds budgeted for the program were re-allocated to
2 other priorities.

3 (2) The Navy took this action without planning
4 and budgeting for alternative means to meet oper-
5 ational requirements for tactical-level and theater-
6 level signals intelligence capabilities to support the
7 combatant commands and national intelligence con-
8 sumers.

9 (3) The principal Navy airborne signals intel-
10 ligence capability today is the EP-3E Airborne Re-
11 connaissance Integrated Electronic System II
12 (ARIES II)—the aircraft and associated electronic
13 equipment of this system are aging and will require
14 replacement or substantial ongoing upgrades to con-
15 tinue to meet requirements.

16 (4) The Special Projects Aircraft (SPA) plat-
17 form of the Navy is the second critical element in
18 the airborne signals intelligence capability of the
19 Navy and provides the Navy its most advanced, com-
20 prehensive multi-intelligence and quick-reaction ca-
21 pability available.

22 (b) REQUIREMENT TO MAINTAIN CAPABILITIES.—

23 (1) PROHIBITION ON RETIREMENT OF PLAT-
24 FORMS.—The Secretary of the Navy may not retire
25 (or to prepare to retire) the EP-3E Airborne Recon-

1 naissance Integrated Electronic System II or Special
2 Projects Aircraft platform.

3 (2) MAINTENANCE OF PLATFORMS.—The Sec-
4 retary of the Navy shall continue to maintain, sus-
5 tain, and upgrade the EP-3E Airborne Reconnaissance
6 Integrated Electronic System II and Special
7 Projects Aircraft platforms in order to provide capa-
8 bilities necessary to operate effectively against rap-
9 idly evolving threats and to meet combatant com-
10 mander operational intelligence, surveillance, and re-
11 connaissance requirements.

12 (3) CERTIFICATION.—Not later than February
13 1, 2011, and annually thereafter, the Under Sec-
14 retary of Defense for Intelligence and the Vice
15 Chairman of the Joint Chiefs of Staff shall jointly
16 certify to Congress the following:

17 (A) The Secretary of the Navy is maintain-
18 ing and sustaining the EP-3E Airborne Recon-
19 naissance Integrated Electronic System II and
20 Special Projects Aircraft platform in a manner
21 that meets the intelligence, surveillance, and re-
22 connaissance requirements of the commanders
23 of the combatant commands.

24 (B) Any plan for the retirement or replace-
25 ment of the EP-3E Airborne Reconnaissance

1 Integrated Electronic System II or Special
2 Projects Aircraft platform will provide, in the
3 aggregate, an equivalent or superior capability
4 and capacity to the platform concerned.

5 (4) TERMINATION.—The requirements of this
6 subsection with respect to the EP-3E Airborne Re-
7 connaissance Integrated Electronic System II or the
8 Special Projects Aircraft platform shall expire on the
9 commencement of the fielding by the Navy of a plat-
10 form or mix of platforms and sensors that are, in
11 the aggregate, equivalent or superior to the EP-3E
12 Airborne Reconnaissance Integrated Electronic Sys-
13 tem II (spiral 3) or the Special Projects Aircraft
14 (P909) platform.

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

17 (1) RESTRICTION.—The Secretary of the Navy
18 may not transfer the Saber Focus unmanned aerial
19 system, associated equipment, or processing, exploi-
20 tation, and dissemination capabilities of the Saber
21 Focus program to the Secretary of the Air Force
22 until 30 days after the Secretary of the Air Force
23 certifies to the congressional defense committees
24 that after such a transfer, the Secretary of the Air
25 Force will provide intelligence, surveillance, and re-

1 connaissance (hereinafter in this section referred to
2 as “ISR”) capabilities at the same or greater capa-
3 bility and capacity level as the capability or capacity
4 level at which the Saber Focus program provides
5 such capabilities to the area of operations concerned
6 as of the date of the enactment of this Act.

7 (2) CONTINUED NAVY PROVISION OF CAPABILI-
8 TIES.—The Secretary of the Navy shall continue to
9 provide Saber Focus ISR program capabilities at the
10 same or greater capability and capacity level as the
11 capability or capacity level at which the Saber Focus
12 program provides such capabilities as of the date of
13 the enactment of this Act to the area of operations
14 concerned until—

15 (A) the certification referred to in para-
16 graph (1) is provided to the congressional de-
17 fense committees; or

18 (B) 30 days after the Secretary of Defense
19 certifies to the congressional defense commit-
20 tees that the ISR capabilities of the Saber
21 Focus program are no longer required to miti-
22 gate the ISR requirements of the combatant
23 commander in the area of operations concerned.

1 **SEC. 113. REPORT ON NAVAL FORCE STRUCTURE AND MIS-**
2 **SILE DEFENSE.**

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

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

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

16 (2) A discussion of whether such sea-based mis-
17 sile defense will require increasing the overall num-
18 ber of combatant surface vessels beyond the require-
19 ment of 88 cruisers and destroyers in the 313-ship
20 fleet plan of the Navy.

21 (3) A discussion of the process for determining
22 the number of Aegis ships needed by each com-
23 mander of the combatant commands to fulfill bal-
24 listic missile defense requirements, including (in con-
25 sultation with the Chairman of the Joints Chiefs of
26 Staff) the number of such ships needed to support

1 the phased, adaptive approach to ballistic missile de-
2 fense in Europe.

3 (4) A discussion of the impact of Aegis Ashore
4 missile defense deployments, as well as deployment
5 of other elements of the ballistic missile defense sys-
6 tem, on Aegis ballistic missile defense ship force
7 structure requirements.

8 (5) A discussion of the potential effect of bal-
9 listic missile defense operations on the ability of the
10 Navy to meet surface fleet demands in each geo-
11 graphic area and for each mission set.

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

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

19 (8) A description of the anticipated plan for de-
20 ployment of Aegis ballistic missile defense ships
21 within the context of the fleet response plan.

1 **SEC. 114. REPORTS ON SERVICE-LIFE EXTENSION OF F/A-18**
2 **AIRCRAFT BY THE DEPARTMENT OF THE**
3 **NAVY.**

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

9 (1) conduct a cost-benefit analysis, in accord-
10 ance with Office of Management and Budget Cir-
11 cular A-94, comparing extending the service life of
12 existing F/A-18 aircraft with procuring additional
13 F/A-18E or F/A-18F aircraft as a means of man-
14 aging the shortfall of the Department of the Navy
15 in strike fighter aircraft; and

16 (2) submit to the congressional defense commit-
17 tees a report on such cost-benefit analysis.

18 (b) **ELEMENTS OF COST-BENEFIT ANALYSIS.**—The
19 cost-benefit analysis required by subsection (a)(1) shall in-
20 clude the following:

21 (1) An estimate of the full costs, over the pe-
22 riod covered by the future-years defense program
23 submitted to Congress under section 221 of title 10,
24 United States Code, with the budget of the Presi-
25 dent, of extending legacy F/A-18 aircraft beyond
26 8,600 hours, including—

1 (A) any increases in operation and mainte-
2 nance costs associated with operating such air-
3 craft beyond a service life of 8,600 hours; and

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

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

17 (3) An assessment of risks associated with ex-
18 tending the service life of legacy F/A-18 aircraft be-
19 yond 8,600 hours, including the level of certainty
20 that the Secretary will be able to achieve such an ex-
21 tension.

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

1 (5) An estimate of the cost-per-flight hour in-
2 curred for operating new F/A–18E or FA–18F air-
3 craft.

4 (6) An assessment of any alternatives to ex-
5 tending the service life of legacy F/A–18 aircraft be-
6 yond 8,600 hours or buying additional F/A–18E or
7 F/A–18F aircraft that may be available to the Sec-
8 retary to manage the shortfall of the Department of
9 the Navy in strike fighter aircraft.

10 (c) ADDITIONAL ELEMENTS OF REPORT.—In addi-
11 tion to the information required in the cost-benefit anal-
12 ysis under subsection (b), the report under subsection
13 (a)(2) shall include an assessment of the following:

14 (1) Differences in capabilities of—

15 (A) legacy F/A–18 aircraft that have un-
16 dergone service-life extension;

17 (B) F/A–18E or F/A–18F aircraft; and

18 (C) F–35C aircraft.

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

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

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

4 (3) Any disruption that procuring additional F/
5 A-18E or F/A-18F aircraft, rather than extending
6 the service life of legacy F/A-18 aircraft beyond
7 8,600 hours, would have on the plan of the Navy to
8 procure operational carrier-variant Joint Strike
9 Fighter aircraft.

10 (4) Any changes that procuring additional F/A-
11 18E or FA-18F aircraft, rather than extending the
12 service life of legacy F/A-18 aircraft beyond 8600
13 hours, would have on the force structure or force
14 mix intended by the Navy for its carrier air wings.

15 (5) Any other operational implication of extend-
16 ing (or not extending) the service life of legacy F/
17 A-18 aircraft that the Secretary considers appro-
18 priate.

19 (d) REPORT ON OPERATIONAL F/A-18 AIRCRAFT
20 SQUADRONS.—Before reducing the number of F/A-18 air-
21 craft in an operational squadron of the Navy or Marine
22 Corps, the Secretary shall submit to the congressional de-
23 fense committees a report that discusses the operational
24 risks and impacts of reducing the squadron size. The re-
25 port shall include an assessment of the following:

1 (1) The effect of the reduction on the oper-
2 ational capability and readiness of the Navy and the
3 Marine Corps to conduct overseas contingency oper-
4 ations.

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

8 (3) Any mechanisms the Secretary intends to
9 use to mitigate any risks associated with the squad-
10 ron size reduction.

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

14 (e) REPORT ON F/A–18 AIRCRAFT TRAINING
15 SQUADRONS.—Before reducing the size of an F/A–18 air-
16 craft training squadron, or transferring an F/A–18 train-
17 ing aircraft for operational needs, the Secretary shall sub-
18 mit to the congressional defense committees a report that
19 describes—

20 (1) any risks to sustaining required training of
21 F/A–18 aircraft pilots with a reduced training air-
22 craft base; and

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

1 **Subtitle C—Joint and Multiservice**
2 **Matters**

3 **SEC. 121. LIMITATIONS ON BIOMETRIC SYSTEMS FUNDS.**

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

8 (1) the Secretary of Defense submits to the
9 congressional defense committees a report on the ac-
10 tions taken and planned to be taken—

11 (A) to implement subparagraphs (A)
12 through (F) of paragraph (16) of the National
13 Security Presidential Directive dated June 5,
14 2008 (NSPD-59);

15 (B) to implement the recommendations of
16 the Comptroller General of the United States
17 included in the report of the Comptroller Gen-
18 eral numbered GAO-08-1065 dated September
19 2008;

20 (C) to implement the recommendations of
21 the Comptroller General included in the report
22 of the Comptroller General numbered GAO-09-
23 49 dated October 2008;

24 (D) to fully and completely characterize
25 the current biometrics architecture and estab-

1 lish the objective architecture for the Depart-
2 ment of Defense;

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

8 (F) to ensure that an officer within the Of-
9 fice of the Joint Chiefs of Staff has the author-
10 ity necessary to be responsible for ensuring the
11 development and implementation of common
12 and interoperable standards for the collection,
13 storage, and use of biometrics data by all com-
14 manders of the combatant commands and their
15 commands; and

16 (2) a period of 30 days has elapsed after the
17 date on which the report is submitted under para-
18 graph (1).

19 **SEC. 122. SYSTEM MANAGEMENT PLAN AND MATRIX FOR**
20 **THE F-35 JOINT STRIKE FIGHTER AIRCRAFT**
21 **PROGRAM.**

22 (a) SYSTEM MANAGEMENT PLAN.—

23 (1) PLAN REQUIRED.—The Secretary of De-
24 fense, acting through the Under Secretary of De-
25 fense for Acquisition, Technology, and Logistics,

1 shall establish a management plan for the F-35
2 Joint Strike Fighter aircraft program under which
3 decisions to commit to specified levels of production
4 are linked to progress in meeting specified program
5 milestones, including design, manufacturing, testing,
6 and fielding milestones for critical system maturity
7 elements.

8 (2) NATURE OF PLAN.—The plan under para-
9 graph (1) shall align technical progress milestones
10 with acquisition milestones in a system maturity ma-
11 trix. The matrix shall provide criteria and conditions
12 for comparing expected levels of demonstrated sys-
13 tem maturity with annual production commitments,
14 starting with the fiscal year 2012 production pro-
15 gram, and continuing over the remaining life of the
16 system development and demonstration program.
17 The matrix and criteria shall include elements such
18 as the following:

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

22 (B) Engineering maturity, including
23 metrics for the number of new design actions
24 and number of design changes in a given pe-
25 riod.

1 (C) Performance and testing progress, in-
2 cluding test points, hours and flights accom-
3 plished, capabilities demonstrated, key perform-
4 ance parameters, and attributes demonstrated.

5 (D) Mission effectiveness and system reli-
6 ability, including operational effectiveness and
7 reliability growth.

8 (E) Training, fielding, and deployment sta-
9 tus.

10 (b) REPORTS TO CONGRESS.—

11 (1) INITIAL REPORT.—Not later than 90 days
12 after the date of the enactment of this Act, the Sec-
13 retary shall submit to the congressional defense com-
14 mittees a report setting forth the plan required by
15 subsection (a). The report shall include—

16 (A) the proposed system maturity matrix
17 described in subsection (a)(2), including a de-
18 scription, for each element specified in the ma-
19 trix under subsection (a)(2), of the criteria and
20 milestones to be used in evaluating actual pro-
21 gram performance against planned performance
22 for each annual production commitment; and

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

1 (2) UPDATES.—The Secretary shall submit to
2 Congress, at or about the same time as the sub-
3 mittal to Congress of the budget of the President for
4 any fiscal year after fiscal year 2012 (as submitted
5 pursuant to section 1105(a) of title 31, United
6 States Code), any modification to the plan required
7 by subsection (a) that was made during the pre-
8 ceding calendar year, including a rationale for each
9 such modification.

10 (c) REPORT ON CAPABILITIES OF MARINE CORPS
11 VARIANT OF F-35 FIGHTER AIRCRAFT AT INITIAL OPER-
12 ATING CAPABILITY.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 shall submit to the congressional defense committees
16 a report on the expected capabilities of the F-35B
17 Joint Strike Fighter aircraft at the time when the
18 Marine Corps plans to declare Initial Operating Ca-
19 pability for the F-35B Joint Strike Fighter aircraft.
20 The report shall be prepared in consultation with the
21 Under Secretary of Defense for Acquisition, Tech-
22 nology, and Logistics.

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

1 (A) Performance of the aircraft and its
2 subsystems, compared to key performance pa-
3 rameters.

4 (B) Expected capability to perform Marine
5 Corps missions.

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

8 (D) Expected levels of crew training and
9 performance.

10 (E) Product improvements that are
11 planned before the Initial Operating Capability
12 of the aircraft to be made after the Initial Op-
13 erating Capability of the aircraft, as planned in
14 March 2010.

15 **SEC. 123. QUARTERLY REPORTS ON USE OF COMBAT MIS-**
16 **SION REQUIREMENTS FUNDS.**

17 (a) QUARTERLY REPORTS REQUIRED.—

18 (1) IN GENERAL.—Not later than 30 days after
19 the end of each fiscal quarter, the commander of the
20 United States Special Operations Command shall
21 submit to the congressional defense committees a re-
22 port on the use of Combat Mission Requirements
23 funds during the preceding fiscal quarter.

24 (2) COMBAT MISSION REQUIREMENTS FUNDS.—

25 For purposes of this section, Combat Mission Re-

1 requirements funds are amounts available to the De-
2 partment of Defense for Defense-wide procurement
3 in the Combat Mission Requirements subaccount of
4 the Defense-wide Procurement account.

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

8 (1) The balance of the Combat Mission Re-
9 quirements subaccount at the beginning of such
10 quarter.

11 (2) The balance of the Combat Mission Re-
12 quirements subaccount at the end of such quarter.

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

18 (4) A description of any requirement—

19 (A) approved for procurement using Com-
20 bat Mission Requirements funds during such
21 quarter; or

22 (B) procured using such funds during such
23 quarter.

24 (5) With respect to each description of a re-
25 quirement under paragraph (4), the amount of Com-

1 bat Mission Requirements funds committed to the
2 procurement or approved procurement of such re-
3 quirement.

4 (c) FORM.—Each report under subsection (a) shall
5 be submitted in unclassified form, but may include a clas-
6 sified annex.

7 **SEC. 124. COUNTER-IMPROVISED EXPLOSIVE DEVICE INI-**
8 **TIATIVES DATABASE.**

9 (a) COMPREHENSIVE DATABASE.—

10 (1) IN GENERAL.—The Secretary of Defense,
11 acting through the Director of the Joint Improvised
12 Explosive Device Defeat Organization, shall develop
13 and maintain a comprehensive database containing
14 appropriate information for coordinating, tracking,
15 and archiving each counter-improvised explosive de-
16 vice initiative within the Department of Defense.
17 The database shall, at a minimum, ensure the visi-
18 bility of each counter-improvised explosive device ini-
19 tiative.

20 (2) USE OF INFORMATION.—Using information
21 contained in the database developed under para-
22 graph (1), the Secretary, acting through the Direc-
23 tor of the Joint Improvised Explosive Device Defeat
24 Organization, shall—

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

3 (B) facilitate the transition of counter-im-
4 proved explosive device initiatives from fund-
5 ing under the Joint Improvised Explosive De-
6 vice Defeat Fund to funding provided by the
7 military departments; and

8 (C) notify the appropriate personnel and
9 organizations prior to a counter-improvised ex-
10 plosive device initiative being funded through
11 the Joint Improvised Explosive Device Defeat
12 Fund.

13 (3) COORDINATION.—In carrying out para-
14 graph (1), the Secretary shall ensure that the Sec-
15 retary of each military department coordinates and
16 collaborates on development of the database to en-
17 sure its interoperability, completeness, consistency,
18 and effectiveness.

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

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

1 (2) prioritize the funding of such initiatives ac-
2 cording to such means.

3 (c) COUNTER-IMPROVISED EXPLOSIVE DEVICE INI-
4 TIATIVE DEFINED.—In this section, the term “counter-
5 improvised explosive device initiative” means any project,
6 program, or research activity funded by any component
7 of the Department of Defense that is intended to assist
8 or support efforts to counter, combat, or defeat the use
9 of improvised explosive devices.

10 **SEC. 125. STUDY ON LIGHTWEIGHT BODY ARMOR SOLU-**
11 **TIONS.**

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

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

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

23 (b) MATTERS COVERED.—The study conducted
24 under subsection (a) shall include findings and rec-
25 ommendations regarding the following:

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

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

7 (3) The need for research, development, and ac-
8 quisition funding dedicated specifically for reducing
9 the weight of body armor.

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

12 (5) Industry concerns, capabilities, and willing-
13 ness to invest in the development and production of
14 lightweight body armor initiatives.

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

19 (7) Changes to procedures or policy with re-
20 spect to lightweight body armor.

21 (8) Other areas of concern not previously ad-
22 dressed by equipping boards, body armor producers,
23 or program managers.

24 (c) SUBMISSION TO CONGRESS.—Not later than 180
25 days after the date of the enactment of this Act, the Sec-

1 retary shall submit to the congressional defense commit-
2 tees a report on the study conducted under subsection (a).

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

5 (a) ANALYSIS OF FEASIBILITY REQUIRED.—The Sec-
6 retary of Defense shall conduct an analysis of the feasi-
7 bility of integrating solid state laser systems into the air-
8 craft platforms specified in subsection (b) for purposes of
9 permitting such aircraft to accomplish their missions, in-
10 cluding to provide close air support.

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

- 13 (1) The C-130 aircraft.
- 14 (2) The B-1 bomber aircraft.
- 15 (3) The F-35 fighter aircraft.

16 (c) SCOPE OF ANALYSIS.—The analysis required by
17 subsection (a) shall include a determination of the fol-
18 lowing:

- 19 (1) The estimated cost per unit of each laser
20 system analyzed.
- 21 (2) The estimated cost of operation and mainte-
22 nance of each aircraft platform specified in sub-
23 section (b) in connection with each laser system ana-
24 lyzed, noting that the fidelity of such analysis may
25 not be uniform for all aircraft platforms.

1 **SEC. 127. CONTRACTS FOR COMMERCIAL IMAGING SAT-**
2 **ELLITE CAPACITIES.**

3 (a) **TELESCOPE REQUIREMENTS UNDER CONTRACTS**
4 **AFTER 2010.**—Except as provided in subsection (b), any
5 contract for additional commercial imaging satellite capa-
6 bility or capacity entered into by the Department of De-
7 fense after December 31, 2010, shall require that the im-
8 aging telescope providing such capability or capacity under
9 such contract has an aperture of not less than 1.5 meters.

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

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

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

19 (c) **CONTINUATION OF CURRENT CONTRACTS.**—The
20 limitation in subsection (a) may not be construed to pro-
21 hibit or prevent the Secretary of Defense from continuing
22 or maintaining current commercial imaging satellite capa-
23 bility or capacity in orbit or under contract by December
24 31, 2010.

1 **TITLE II—RESEARCH, DEVELOP-**
 2 **MENT, TEST, AND EVALUA-**
 3 **TION**

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.

Sec. 223. Limitation on availability of funds for missile defense interceptors in Europe.

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.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

10 (4) For Defense-wide activities,
11 \$21,292,576,000, of which \$194,910,000 is author-
12 ized for the Director of Operational Test and Eval-
13 uation.

14 **Subtitle B—Program Require-**
15 **ments, Restrictions, and Limita-**
16 **tions**

17 **SEC. 211. ENHANCEMENT OF DEPARTMENT OF DEFENSE**
18 **SUPPORT OF SCIENCE, MATHEMATICS, AND**
19 **ENGINEERING EDUCATION.**

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

23 (1) by redesignating paragraph (2) as para-
24 graph (3); and

1 (2) by inserting after paragraph (1) the fol-
2 lowing new paragraph (2):

3 “(2) The Secretary of Defense may carry out the au-
4 thority in paragraph (1) through the Secretaries of the
5 military departments.”.

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

9 (1) by redesignating subsection (e) as sub-
10 subsection (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing new subsection (e):

13 “(e) The Secretary of Defense may permit the direc-
14 tor of a defense laboratory to enter into a cooperative
15 agreement with an appropriate entity to act as an inter-
16 mediary and assist the director in carrying out activities
17 under this section.”.

18 **SEC. 212. LIMITATION ON USE OF FUNDS BY DEFENSE AD-**
19 **VANCED RESEARCH PROJECTS AGENCY FOR**
20 **OPERATION OF NATIONAL CYBER RANGE.**

21 (a) PROHIBITION ON USE OF FUNDS PENDING RE-
22 PORT.—Amounts authorized to be appropriated by this
23 Act and available to the Defense Advanced Research
24 Projects Agency may not be obligated or expended for the
25 National Cyber Range established in support of the Com-

1 prehensive National Cybersecurity Initiative until the date
2 that is 90 days after the date on which the Under Sec-
3 retary of Defense for Acquisition, Technology, and Logis-
4 ties submits to the Committees on Armed Services of the
5 Senate and the House of Representatives a report de-
6 scribed in subsection (c).

7 (b) LIMITATION ON USE OF FUNDS AFTER RE-
8 PORT.—Commencing on the date that is 90 days after the
9 date on which the Under Secretary submits a report de-
10 scribed in subsection (c), amounts described in subsection
11 (a) shall be available for obligation or expenditure only
12 for the purposes of research and development activities
13 that the Under Secretary considers appropriate for ensur-
14 ing and assessing the functionality of the National Cyber
15 Range.

16 (c) REPORT.—

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

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

23 (A) An analysis of various potential recipi-
24 ents under the transition of the National Cyber
25 Range.

1 (B) For each recipient analyzed under sub-
2 paragraph (A), a description of the proposed
3 transition of the National Cyber Range to such
4 recipient, including the proposed schedule and
5 funding for such transition.

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

9 (A) A consortium for the operation and
10 sustainment of the National Cyber Range as a
11 government-owned, government-operated facil-
12 ity.

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

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

19 In the budget materials submitted to the President
20 by the Secretary of Defense in connection with the submis-
21 sion to Congress, pursuant to section 1105 of title 31,
22 United States Code, of the budget for fiscal year 2012,
23 and each subsequent fiscal year, the Secretary shall ensure
24 that within each research, development, test, and evalua-
25 tion account of the Army and the Navy a separate, dedi-

1 cated program element is assigned to the Joint Light Tac-
2 tical Vehicle.

3 **SEC. 214. PROGRAM FOR RESEARCH, DEVELOPMENT, AND**
4 **DEPLOYMENT OF ADVANCED GROUND VEHI-**
5 **CLES, GROUND VEHICLE SYSTEMS, AND COM-**
6 **PONENTS.**

7 (a) PROGRAM AUTHORIZED.—The Secretary of De-
8 fense may carry out a program for research and develop-
9 ment on, and deployment of, advanced technology ground
10 vehicles, ground vehicle systems, and components within
11 the Department of Defense.

12 (b) GOALS AND OBJECTIVES.—The goals and objec-
13 tives of the program authorized by subsection (a) are as
14 follows:

15 (1) To identify and support technological ad-
16 vances that are necessary for the development of ad-
17 vanced technologies for use in ground vehicles of
18 types to be used by the Department of Defense.

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

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

1 (c) ELEMENTS OF PROGRAM.—The program author-
2 ized by subsection (a) may include—

3 (1) enhanced research and development activi-
4 ties for advanced technology ground vehicles, ground
5 vehicle systems, and components, including—

6 (A) increased investments in research and
7 development of batteries, advanced materials,
8 power electronics, fuel cells and fuel cell sys-
9 tems, hybrid systems, and advanced engines;

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

13 (C) the establishment of public-private
14 partnerships, including research centers, manu-
15 facturing and prototyping facilities, and test
16 beds, to speed the development, deployment,
17 and transition to use of advanced technology
18 ground vehicles, ground vehicle systems, and
19 components; and

20 (2) enhanced activities to procure and deploy
21 advanced technology ground vehicles in the Depart-
22 ment, including—

23 (A) preferences for the purchase of ad-
24 vanced technology ground vehicles;

1 (B) the use of authorities available to the
2 Secretary of Defense to stimulate the develop-
3 ment and production of advanced technology
4 systems and ground vehicles through purchases,
5 loan guarantees, and other mechanisms;

6 (C) pilot programs to demonstrate ad-
7 vanced technology ground vehicles and associ-
8 ated infrastructure at select defense installa-
9 tions;

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

14 (E) schedules and objectives for the con-
15 version of the ground vehicle fleet of the De-
16 partment to advanced technology ground vehi-
17 cles.

18 (d) COOPERATION WITH INDUSTRY AND ACA-
19 DEMIA.—

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

24 (A) universities and other academic insti-
25 tutions;

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

3 (C) companies that supply systems and
4 components to the automobile and truck manu-
5 facturing industry; and

6 (D) any other companies or private sector
7 entities that the Secretary considers appro-
8 priate.

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

16 (e) COORDINATION WITH OTHER FEDERAL AGEN-
17 CIES.—The program authorized by subsection (a) shall be
18 carried out, to the maximum extent practicable, in coordi-
19 nation with the Department of Energy and other appro-
20 priate departments and agencies of the Federal Govern-
21 ment.

1 **SEC. 215. DEMONSTRATION AND PILOT PROJECTS ON CY-**
2 **BERSECURITY.**

3 (a) DEMONSTRATION PROJECTS ON PROCESSES FOR
4 APPLICATION OF COMMERCIAL TECHNOLOGIES TO CY-
5 BERSECURITY REQUIREMENTS.—

6 (1) PROJECTS REQUIRED.—The Secretary of
7 Defense and the Secretaries of the military depart-
8 ments shall jointly carry out demonstration projects
9 to assess the feasibility and advisability of using var-
10 ious business models and processes to rapidly and
11 effectively identify innovative commercial tech-
12 nologies and apply such technologies to Department
13 of Defense and other cybersecurity requirements.

14 (2) SCOPE OF PROJECTS.—Any demonstration
15 project under paragraph (1) shall be carried out in
16 such a manner as to contribute to the cyber policy
17 review of the President and the Comprehensive Na-
18 tional Cybersecurity Initiative.

19 (b) PILOT PROGRAMS ON CYBERSECURITY RE-
20 QUIRED.—The Secretary of Defense shall support or con-
21 duct pilot programs on cybersecurity with respect to the
22 following areas:

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

1 (2) Managed security services for cybersecurity
2 within the defense industrial base, military depart-
3 ments, and combatant commands.

4 (3) Use of private processes and infrastructure
5 to address threats, problems, vulnerabilities, or op-
6 portunities in cybersecurity.

7 (4) Processes for securing the global supply
8 chain.

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

11 (c) REPORTS.—

12 (1) REPORTS REQUIRED.—Not later than 240
13 days after the date of the enactment of this Act, and
14 annually thereafter at or about the time of the sub-
15 mittal to Congress of the budget of the President for
16 a fiscal year (as submitted pursuant to section
17 1105(a) of title 31, United States Code), the Sec-
18 retary of Defense shall, in coordination with the Sec-
19 retary of Homeland Security, submit to Congress a
20 report on any demonstration projects carried out
21 under subsection (a), and on the pilot projects car-
22 ried out under subsection (b), during the preceding
23 year.

24 (2) ELEMENTS.—Each report under this sub-
25 section shall include the following:

1 (A) A description and assessment of any
2 activities under the demonstration projects and
3 pilot projects referred to in paragraph (1) dur-
4 ing the preceding year.

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

7 (i) a quantitative and qualitative as-
8 sessment of the extent to which managed
9 security services covered by the pilot
10 project could provide effective and afford-
11 able cybersecurity capabilities for compo-
12 nents of the Department of Defense and
13 for entities in the defense industrial base,
14 and an assessment whether such services
15 could be expanded rapidly to a large scale
16 without exceeding the ability of the Fed-
17 eral Government to manage such expan-
18 sion; and

19 (ii) an assessment of whether man-
20 aged security services are compatible with
21 the cybersecurity strategy of the Depart-
22 ment of Defense with respect to conducting
23 an active, in-depth defense under the direc-
24 tion of United States Cyber Command.

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

3 (i) a description of any performance
4 metrics established for purposes of the
5 pilot project, and a description of any pro-
6 cesses developed for purposes of account-
7 ability and governance under any partner-
8 ship under the pilot project; and

9 (ii) an assessment of the role a part-
10 nership such as a partnership under the
11 pilot project would play in the acquisition
12 of cyberspace capabilities by the Depart-
13 ment of Defense, including a role with re-
14 spect to the development and approval of
15 requirements, approval and oversight of ac-
16 quiring capabilities, test and evaluation of
17 new capabilities, and budgeting for new ca-
18 pabilities.

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

21 (i) a framework and taxonomy for
22 evaluating practices that secure the global
23 supply chain, as well as practices for se-
24 curely operating in an uncertain or com-
25 promised supply chain;

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

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

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

10 (i) an assessment of the capabilities of
11 Federal Government providers to offer se-
12 cure cloud computing environments; and

13 (ii) an assessment of the capabilities
14 of commercial providers to offer secure
15 cloud computing environments to the Fed-
16 eral Government.

17 (3) FORM.—Each report under this subsection
18 shall be submitted in unclassified form, but may in-
19 clude a classified annex.

20 **Subtitle C—Missile Defense** 21 **Programs**

22 **SEC. 221. SENSE OF CONGRESS ON BALLISTIC MISSILE DE-**
23 **FENSE.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress—

1 (1) that the phased, adaptive approach to mis-
2 sile defense in Europe is an appropriate response to
3 the existing ballistic missile threat from Iran to the
4 European territory of North Atlantic Treaty Organi-
5 zation countries, and to potential future ballistic
6 missile capabilities of Iran;

7 (2) that the phased, adaptive approach to mis-
8 sile defense in Europe is not intended to, and will
9 not, provide a missile defense capability relative to
10 the ballistic missile deterrent forces of the Russian
11 Federation, or diminish strategic stability with the
12 Russian Federation;

13 (3) to support the efforts of the United States
14 Government and the North Atlantic Treaty Organi-
15 zation to pursue cooperation with the Russian Fed-
16 eration on ballistic missile defense relative to Iranian
17 missile threats;

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

1 (5) that the ground-based midcourse defense
2 system should be maintained, enhanced, and ade-
3 quately tested to ensure its operational capability
4 through its service life;

5 (6) that the United States should, as stated in
6 its unilateral statement accompanying the New
7 START Treaty, “continue improving and deploying
8 its missile defense systems in order to defend itself
9 against limited attack and as part of our collabo-
10 rative approach to strengthening stability in key re-
11 gions”;

12 (7) that, as part of this effort, the Department
13 of Defense should pursue the development, testing,
14 and deployment of operationally effective versions of
15 all variants of the standard missile-3 for all four
16 phases of the phased, adaptive approach to missile
17 defense in Europe;

18 (8) that the standard missile-3 block IIB inter-
19 ceptor missile planned for deployment in phase 4 of
20 the phased, adaptive approach should be capable of
21 addressing the potential future threat of inter-
22 mediate-range and long-range ballistic missiles from
23 Iran, including intercontinental ballistic missiles that
24 could be capable of reaching the United States;

1 (9) that there are no constraints contained in
2 the New START Treaty on the development or de-
3 ployment by the United States of effective missile
4 defenses, including all phases of the phased, adapt-
5 ive approach to missile defense in Europe and fur-
6 ther enhancements to the ground-based midcourse
7 defense system, as well as future missile defenses;
8 and

9 (10) that the Department of Defense should
10 continue the development, testing, and assessment of
11 the two-stage ground-based interceptor in such a
12 manner as to provide a hedge against potential tech-
13 nical challenges with the development of the stand-
14 ard missile–3 block IIB interceptor missile as a
15 means of augmenting the defense of Europe and of
16 the homeland against a limited ballistic missile at-
17 tack from nations such as North Korea or Iran.

18 (b) NEW START TREATY DEFINED.—In this sec-
19 tion, the term “New START Treaty” means the Treaty
20 between the United States of America and the Russian
21 Federation on Measures for the Further Reduction and
22 Limitation of Strategic Offensive Arms, signed on April
23 8, 2010.

1 **SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CON-**
2 **TRACTS BY MISSILE DEFENSE AGENCY WITH**
3 **FOREIGN ENTITIES.**

4 Section 222 of the National Defense Authorization
5 Act for Fiscal Years 1988 and 1989 (Public Law 100–
6 180; 101 Stat. 1055; 10 U.S.C. 2431 note) is repealed.

7 **SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **MISSILE DEFENSE INTERCEPTORS IN EU-**
9 **ROPE.**

10 (a) **LIMITATION ON CONSTRUCTION AND DEPLOY-**
11 **MENT OF INTERCEPTORS.**—No funds authorized to be ap-
12 propriated by this Act or otherwise made available for the
13 Department of Defense for fiscal year 2011 or any fiscal
14 year thereafter may be obligated or expended for site acti-
15 vation, construction, or deployment of missile defense
16 interceptors on European land as part of the phased,
17 adaptive approach to missile defense in Europe until—

18 (1) any nation agreeing to host such system has
19 signed and ratified a missile defense basing agree-
20 ment and a status of forces agreement authorizing
21 the deployment of such interceptors; and

22 (2) a period of 45 days has elapsed following
23 the date on which the Secretary of Defense submits
24 to the congressional defense committees the report
25 on the independent assessment of alternative missile
26 defense systems in Europe required by section

1 235(c)(2) of the National Defense Authorization Act
2 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
3 2235).

4 (b) LIMITATION ON PROCUREMENT OR DEPLOYMENT
5 OF INTERCEPTORS.—No funds authorized to be appro-
6 priated by this Act or otherwise made available for the
7 Department of Defense for fiscal year 2011 or any fiscal
8 year thereafter may be obligated or expended for the pro-
9 curement (other than initial long-lead procurement) or de-
10 ployment of operational missiles on European land as part
11 of the phased, adaptive approach to missile defense in Eu-
12 rope until the Secretary of Defense, after receiving the
13 views of the Director of Operational Test and Evaluation,
14 submits to the congressional defense committees a report
15 certifying that the proposed interceptor to be deployed as
16 part of such missile defense system has demonstrated,
17 through successful, operationally realistic flight testing, a
18 high probability of working in an operationally effective
19 manner and that such missile defense system has the abil-
20 ity to accomplish the mission.

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

23 (1) the Secretary submits to the congressional
24 defense committees written certification that the

1 waiver is in the urgent national security interests of
2 the United States; and

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

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

13 (1) research, development, test and evaluation;

14 (2) site surveys;

15 (3) studies and analyses; and

16 (4) site planning and design and construction
17 design.

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

21 **SEC. 224. MEDIUM EXTENDED AIR DEFENSE SYSTEM.**

22 (a) LIMITATION ON AVAILABILITY OF FUNDS.—Of
23 the amounts authorized to be appropriated in this title for
24 fiscal year 2011 for research, development, test, and eval-
25 uation, Army, of the amount that corresponds with budget

1 activity five, line 117, in the budget transmitted to Con-
2 gress by the President for fiscal year 2011, not more than
3 25 percent may be obligated or expended until the date
4 on which—

5 (1) the Secretary of Defense completes the crit-
6 ical design review and the system program review
7 for the medium extended air defense system pro-
8 gram and decides to proceed with the program; and

9 (2) the Secretary submits in writing to the con-
10 gressional defense committees a report containing
11 the decision referred to in paragraph (1) to proceed
12 with the medium extended air defense system.

13 (b) FURTHER LIMITATIONS.—

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

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

4 (A) A detailed description of the decision
5 described in subsection (a)(1) and the expla-
6 nation for that decision.

7 (B) A cost estimate performed by the Di-
8 rector of Cost Assessment and Program Eval-
9 uation of the medium extended air defense sys-
10 tem program, including an analysis of the cost
11 growth in the program and an explanation of
12 what effect such cost growth would have if the
13 program were subject to the provisions of sec-
14 tion 2433 of title 10, United States Code (com-
15 monly referred to as the “Nunn-McCurdy
16 Act”).

17 (C) An analysis of alternatives to the me-
18 dium extended air defense system program and
19 its component elements.

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

1 (E) A description of the role of Germany
2 and Italy in the medium extended air defense
3 system program, including the role of such
4 countries in procurement or production of ele-
5 ments of such program.

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

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

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

13 (a) BASELINES REQUIRED.—The Secretary of De-
14 fense shall ensure that the Missile Defense Agency estab-
15 lishes and maintains an acquisition baseline for each pro-
16 gram element of the ballistic missile defense system, as
17 specified in section 223 of title 10, United States Code.

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

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

23 (A) research and development milestones;

24 (B) acquisition milestones, including de-
25 sign reviews and key decision points;

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

4 (D) delivery and fielding schedules.

5 (2) A detailed technical description of—

6 (A) the capability to be developed, includ-
7 ing hardware and software;

8 (B) system requirements;

9 (C) how the proposed capability satisfies a
10 capability identified by the commanders of the
11 combatant commands on a prioritized capabili-
12 ties list;

13 (D) key knowledge points that must be
14 achieved to permit continuation of the program
15 and to inform production and deployment deci-
16 sions; and

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

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

21 (A) a life cycle cost estimate;

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

1 (C) average procurement unit costs and
2 program acquisition costs for the program ele-
3 ment; and

4 (D) an identification when the program
5 joint cost analysis requirements description doc-
6 ument is scheduled to be approved.

7 (4) A test baseline summarizing the comprehen-
8 sive test program for the program element outlined
9 in the integrated master test plan.

10 (c) ANNUAL REPORTS ON ACQUISITION BASE-
11 LINES.—

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

22 (2) FORM.—Each report under this subsection
23 shall be submitted in unclassified form, but may in-
24 clude a classified annex.

1 (d) ANNUAL REPORTS ON MISSILE DEFENSE EXEC-
2 UTIVE BOARD ACTIVITIES.—The Director shall include in
3 each report under subsection (c) a description of the ac-
4 tivities of the Missile Defense Executive Board during the
5 preceding fiscal year, including the following:

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

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

10 (3) A description of any decisions or rec-
11 ommendations made by the Board at each such
12 meeting.

13 **SEC. 226. AUTHORITY TO SUPPORT BALLISTIC MISSILE**
14 **SHARED EARLY WARNING WITH THE CZECH**
15 **REPUBLIC.**

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

21 (b) FISCAL YEAR 2011 FUNDING AUTHORIZATION.—

22 (1) Of the funds authorized to be appropriated
23 by this Act or any other Act for fiscal year 2011 for
24 Operation and Maintenance, Air Force, \$1,700,000

1 may be available for the purposes described in sub-
2 section (a).

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

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

10 (a) REPORT REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall submit to the congressional defense com-
13 mittees a report on the phased, adaptive approach to mis-
14 sile defense in Europe.

15 (b) MATTERS INCLUDED.—The report under sub-
16 section (a) shall include the following:

17 (1) A detailed explanation of—

18 (A) the analytic basis (including the ana-
19 lytic process and methodology) that led to the
20 recommendation of the Secretary of Defense
21 and the Joint Chiefs of Staff to pursue the
22 phased, adaptive approach to missile defense in
23 Europe, including the ability to defend deployed
24 forces of the United States, allies, and partners
25 in Europe, and the United States homeland,

1 against the existing, emerging, and future
2 threat from Iranian ballistic missiles in a timely
3 and flexible manner; and

4 (B) the planned defensive coverage of Eu-
5 rope provided by such missile defense.

6 (2) A detailed explanation of the specific ele-
7 ments planned for each of the four phases of the
8 phased, adaptive approach to missile defense in Eu-
9 rope, including schedules and parameters of planned
10 deployments of missile defense systems at sea and
11 on land, and the knowledge points or milestones that
12 will be required prior to operational deployment of
13 those elements.

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

21 (4) A description of the status of the develop-
22 ment or production of the various elements of the
23 phased, adaptive approach to missile defense in Eu-
24 rope, particularly the development of the standard
25 missile-3, block IIA and block IIB interceptors, in-

1 including the technical readiness levels of those sys-
2 tems under development and the plans for retiring
3 the technical risks of such systems.

4 (5) A description of the advances in technology
5 that are expected to permit enhanced defensive capa-
6 bility of the phased, adaptive approach to missile de-
7 fense in Europe, including airborne infrared sensor
8 technology, space sensor technology, and enhanced
9 battle management, command, control, and commu-
10 nications.

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

17 (7) An explanation of—

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

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

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

1 **SEC. 228. INDEPENDENT REVIEW AND ASSESSMENT OF THE**
2 **GROUND-BASED MIDCOURSE DEFENSE SYS-**
3 **TEM.**

4 (a) INDEPENDENT REVIEW AND ASSESSMENT RE-
5 QUIRED.—The Secretary of Defense shall select an appro-
6 priate entity outside the Department of Defense to con-
7 duct an independent review and assessment of the ground-
8 based midcourse defense system.

9 (b) ELEMENTS.—The review and assessment re-
10 quired by this section shall address the current plans of
11 the Department of Defense with respect to the following:

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

18 (2) The number of ground-based interceptor
19 missiles necessary for operational assets, test assets
20 (including developmental and operational test assets
21 and aging and surveillance test assets), and spare
22 missiles for the ground-based midcourse defense sys-
23 tem.

24 (3) The plan to maintain the operational effec-
25 tiveness of the ground-based midcourse defense sys-
26 tem over the course of its service life, including any

1 modernization or capability enhancement efforts,
2 and any sustainment efforts.

3 (4) The plan for funding the development, pro-
4 duction, deployment, testing, improvement, and
5 sustainment of the ground-based midcourse defense
6 system.

7 (5) The plan for flight testing the ground-based
8 midcourse defense system, including aging and sur-
9 veillance tests to demonstrate the continuing effec-
10 tiveness of the system over the course of its service
11 life.

12 (6) The plan for production of ground-based in-
13 terceptor missiles necessary for operational test as-
14 sets, aging and surveillance test assets, and spare
15 missiles for the ground-based midcourse defense sys-
16 tem.

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

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

24 (2) any recommendations on how the Depart-
25 ment of Defense may improve upon its plans to en-

1 sure the availability, reliability, maintainability,
2 supportability, and improvement of the ground-based
3 midcourse defense system.

4 **SEC. 229. IRON DOME SHORT-RANGE ROCKET DEFENSE**
5 **PROGRAM.**

6 Of the funds authorized to be appropriated by section
7 201(4) for research, development, test, and evaluation,
8 Defense-wide, the Secretary of Defense may provide up
9 to \$205,000,000 to the government of Israel for the Iron
10 Dome short-range rocket defense system.

11 **Subtitle D—Reports**

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

15 (a) REPORT REQUIRED.—Not later than January 15,
16 2011, the Secretary of the Army shall submit to the con-
17 gressional defense committees a report on the Ground
18 Combat Vehicle program of the Army. Such report shall
19 include—

20 (1) the results of the analysis of alternatives
21 conducted prior to milestone A, including any tech-
22 nical data; and

23 (2) an explanation of any plans to adjust the
24 requirements of the Ground Combat Vehicle pro-

1 gram during the technology development phase of
2 such program.

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

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

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

16 (a) COST BENEFIT ANALYSIS REQUIRED.—

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

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

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

11 (B) a detailed assessment of the projected
12 costs to develop and field each tank-fired muni-
13 tion included in the analysis, including those in-
14 corporating beyond line of sight technology; and

15 (C) a comparative analysis of each tank-
16 fired munition included in the analysis, includ-
17 ing suitability to address known capability gaps
18 and overmatch against known and projected
19 threats.

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

1 (b) BRIEFING.—Not later than April 15, 2011, the
2 Secretary shall provide a detailed briefing to the congres-
3 sional defense committees on the cost benefit analysis con-
4 ducted under subsection (a).

5 **SEC. 233. ANNUAL COMPTROLLER GENERAL REPORT ON**
6 **THE VH-(XX) PRESIDENTIAL HELICOPTER AC-**
7 **QUISITION PROGRAM.**

8 (a) ANNUAL GAO REVIEW.—During the period be-
9 ginning on the date of the enactment of this Act and end-
10 ing on March 1, 2013, the Comptroller General of the
11 United States shall conduct an annual review of the VH-
12 (XX) aircraft acquisition program.

13 (b) ANNUAL REPORTS.—

14 (1) IN GENERAL.—Not later than March 1 of
15 each year beginning in 2011 and ending in 2013,
16 the Comptroller General shall submit to the congres-
17 sional defense committees a report on the review of
18 the VH-(XX) aircraft acquisition program con-
19 ducted under subsection (a).

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

23 (A) The extent to which the program is
24 meeting development and procurement cost,

1 schedule, performance, and risk mitigation
2 goals.

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

7 (i) developmental and operational test-
8 ing of the aircraft; and

9 (ii) plans for correcting deficiencies in
10 aircraft performance, operational effective-
11 ness, reliability, suitability, and safety.

12 (C) An assessment of VH-(XX) aircraft
13 procurement plans, production results, and ef-
14 forts to improve manufacturing efficiency and
15 supplier performance.

16 (D) An assessment of the acquisition strat-
17 egy of the VH-(XX) aircraft, including whether
18 such strategy is in compliance with acquisition
19 management best-practices and the acquisition
20 policy and regulations of the Department of De-
21 fense.

22 (E) A risk assessment of the integrated
23 master schedule and the test and evaluation
24 master plan of the VH-(XX) aircraft as it re-
25 lates to—

- 1 (i) the probability of success;
- 2 (ii) the funding required for such air-
- 3 craft compared with the funding pro-
- 4 grammed; and
- 5 (iii) development and production con-
- 6 currency.

7 (3) ADDITIONAL INFORMATION.—In submitting

8 to the congressional defense committees the first re-

9 port under paragraph (1) and a report following any

10 changes made by the Secretary of the Navy to the

11 baseline documentation of the VH-(XX) aircraft ac-

12 quisition program, the Comptroller General shall in-

13 clude, with respect to such program, an assessment

14 of the sufficiency and objectivity of—

- 15 (A) the analysis of alternatives;
- 16 (B) the initial capabilities document;
- 17 (C) the capabilities development document;
- 18 and
- 19 (D) the systems requirement document.

20 **Subtitle E—Other Matters**

21 **SEC. 241. SENSE OF CONGRESS AFFIRMING THE IMPOR-**

22 **TANCE OF DEPARTMENT OF DEFENSE PAR-**

23 **TICIPATION IN DEVELOPMENT OF NEXT GEN-**

24 **ERATION SEMICONDUCTOR TECHNOLOGIES.**

25 (a) FINDINGS.—Congress finds the following:

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

7 (2) There is a growing concern in the Depart-
8 ment of Defense and the United States intelligence
9 community over the offshore shift in development
10 and production of high capacity semiconductors.
11 Greater reliance on providers of semiconductors in
12 the United States high technology industry would
13 help mitigate the security risks of such an offshore
14 shift.

15 (3) The development of new manufacturing
16 technologies is recognized in the semiconductor in-
17 dustry as critical to the development of the next gen-
18 eration of integrated circuits.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the United States should pursue research
22 and development capabilities to take the lead in de-
23 veloping and producing the next generation of inte-
24 grated circuits; and

1 (2) the Department of Defense should continue
2 to work with industry and academia in pursuing the
3 research and development of advanced manufac-
4 turing techniques in support of the development of
5 the next generation of integrated circuits needed for
6 the requirements and specialized applications of the
7 Department of Defense.

8 **SEC. 242. PILOT PROGRAM ON COLLABORATIVE ENERGY**
9 **SECURITY.**

10 (a) **PILOT PROGRAM.**—The Secretary of Defense, in
11 coordination with the Secretary of Energy, may carry out
12 a collaborative energy security pilot program involving one
13 or more partnerships between one military installation and
14 one national laboratory, for the purpose of evaluating and
15 validating secure, salable microgrid components and sys-
16 tems for deployment.

17 (b) **SELECTION OF MILITARY INSTALLATION AND**
18 **NATIONAL LABORATORY.**—If the Secretary of Defense
19 carries out a pilot program under this section, the Sec-
20 retary of Defense and the Secretary of Energy shall jointly
21 select a military installation and a national laboratory for
22 the purpose of carrying out the pilot program. In making
23 such selections, the Secretaries shall consider each of the
24 following:

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

3 (2) The findings and recommendations of rel-
4 evant energy security assessments of military instal-
5 lations being considered for selection.

6 (3) The availability of renewable energy sources
7 at a military installation being considered for selec-
8 tion.

9 (4) Potential synergies between the expertise
10 and capabilities of a national laboratory being con-
11 sidered for selection and the infrastructure, inter-
12 ests, or other energy security needs of a military in-
13 stallation being considered for selection.

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

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

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

1 (2) The pilot program shall involve collabora-
2 tion with the Office of Electricity Delivery and En-
3 ergy Reliability of the Department of Energy and
4 other offices and agencies within the Department of
5 Energy, as appropriate, and the Environmental Se-
6 curity Technical Certification Program of the De-
7 partment of Defense.

8 (3) Under the pilot program, the Secretary of
9 Defense shall investigate opportunities for any ex-
10 cess electricity created for the military installation to
11 be sold or otherwise made available to the local com-
12 munity near the installation.

13 (4) The Secretary of Defense shall use the re-
14 sults of the pilot program as the basis for informing
15 key performance parameters and validating energy
16 components and designs that could be implemented
17 in various military installations across the country
18 and at forward operating bases.

19 (5) The pilot program shall support the effort
20 of the Secretary of Defense to use the military as a
21 test bed to demonstrate innovative energy tech-
22 nologies.

23 (d) IMPLEMENTATION AND DURATION.—If the Sec-
24 retary of Defense carries out a pilot program under this
25 section, such pilot program shall begin by not later than

1 July 1, 2011, and shall be not less than three years in
2 duration.

3 (e) REPORTS.—

4 (1) INITIAL REPORT.—If the Secretary of De-
5 fense carries out a pilot program under this section,
6 the Secretary shall submit to the appropriate con-
7 gressional committees by not later than October 1,
8 2011, an initial report that provides an update on
9 the implementation of the pilot program, including
10 an identification of the selected military installation
11 and national laboratory partner and a description of
12 technologies under evaluation.

13 (2) FINAL REPORT.—Not later than 90 days
14 after completion of a pilot program under this sec-
15 tion, the Secretary shall submit to the appropriate
16 congressional committees a report on the pilot pro-
17 gram, including any findings and recommendations
18 of the Secretary.

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

20 (1) The term “appropriate congressional com-
21 mittees” means—

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

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

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

11 (3) The term “national laboratory” means—

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

15 (B) a national security laboratory (as de-
16 fined in section 3281 of the National Nuclear
17 Security Administration Act (50 U.S.C. 2471)).

18 **SEC. 243. PILOT PROGRAM TO INCLUDE TECHNOLOGY PRO-**
19 **TECTION FEATURES DURING RESEARCH AND**
20 **DEVELOPMENT OF DEFENSE SYSTEMS.**

21 (a) PILOT PROGRAM.—The Secretary of Defense
22 shall carry out a pilot program to develop and incorporate
23 technology protection features in a designated system dur-
24 ing the research and development phase of such system.

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

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

9 (d) DEFINITIONS.—In this section:

10 (1) The term “designated system” means any
11 system (including a major system, as defined in sec-
12 tion 2302(5) of title 10, United States Code) that
13 the Under Secretary of Defense for Acquisition,
14 Technology, and Logistics designates as being in-
15 cluded in the pilot program established under this
16 section.

17 (2) The term “technology protection features”
18 means the technical modifications necessary to pro-
19 tect critical program information, including anti-
20 tamper technologies and other systems engineering
21 activities intended to prevent or delay exploitation of
22 critical technologies in a designated system.

23 **TITLE III—OPERATION AND**
24 **MAINTENANCE**

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

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.
- Sec. 312. Payment to Environmental Protection Agency of stipulated penalties in connection with Naval Air Station, Brunswick, Maine.
- Sec. 313. Requirements related to the investigation of exposure to drinking water at Camp Lejeune, North Carolina.
- Sec. 314. Comptroller General assessment on military environmental exposures.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Technical amendments to requirement for service contract inventory.
- Sec. 322. Repeal of conditions on expansion of functions performed under prime vendor contracts for depot-level maintenance and repair.
- Sec. 323. Prohibition on establishing goals or quotas for conversion of functions to performance by Department of Defense civilian employees.

Subtitle D—Reports

- Sec. 331. Additional reporting requirements relating to corrosion prevention projects and activities.
- Sec. 332. Modification and repeal of certain reporting requirements.
- Sec. 333. Report on Air Sovereignty Alert mission.
- Sec. 334. Report on the SEAD/DEAD mission requirement for the Air Force.
- Sec. 335. Requirement to update study on strategic seaports.

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.
- Sec. 342. Extension of Arsenal Support Program Initiative.
- Sec. 343. Limitation on obligation of funds for the Army Human Terrain System.
- Sec. 344. Limitation on obligation of funds pending submission of classified justification material.
- Sec. 345. Requirements for transferring aircraft within the Air Force inventory.
- Sec. 346. Commercial sale of small arms ammunition in excess of military requirements.

Subtitle F—Other Matters

- Sec. 351. Expedited processing of background investigations for certain individuals.
- Sec. 352. Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space unavailable on commercial lines.
- 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.
- Sec. 354. Authority for payment of full replacement value for loss or damage to household goods in limited cases not covered by carrier liability.
- Sec. 355. Recovery of improperly disposed of Department of Defense property.
- Sec. 356. Operational readiness models.

Sec. 357. Sense of Congress regarding continued importance of High-Altitude Aviation Training Site, Colorado.

Sec. 358. Study of effects of new construction of obstructions on military installations and operations.

1 **Subtitle A—Authorization of** 2 **Appropriations**

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

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

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

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

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

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

13 (5) For Defense-wide activities,
14 \$30,562,619,000.

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

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

17 (8) For the Marine Corps Reserve,
18 \$285,234,000.

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

20 (10) For the Army National Guard,
21 \$6,621,704,000.

22 (11) For the Air National Guard,
23 \$6,042,239,000.

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

3 (13) For the Acquisition Development Work-
4 force Fund, \$217,561,000.

5 (14) For Environmental Restoration, Army,
6 \$444,581,000.

7 (15) For Environmental Restoration, Navy,
8 \$304,867,000.

9 (16) For Environmental Restoration, Air Force,
10 \$502,653,000.

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

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

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

17 (20) For Cooperative Threat Reduction pro-
18 grams, \$522,512,000.

19 **Subtitle B—Energy and**
20 **Environmental Provisions**

21 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
22 **TION AGENCY FOR CERTAIN COSTS IN CON-**
23 **NECTION WITH THE TWIN CITIES ARMY AM-**
24 **MUNITION PLANT, MINNESOTA.**

25 (a) **AUTHORITY TO REIMBURSE.—**

1 (1) TRANSFER AMOUNT.—Using funds de-
2 scribed in subsection (b) and notwithstanding sec-
3 tion 2215 of title 10, United States Code, the Sec-
4 retary of Defense may transfer not more than
5 \$5,611,670.67 in fiscal year 2011 to the Hazardous
6 Substance Superfund.

7 (2) PURPOSE OF REIMBURSEMENT.—The
8 amount authorized to be transferred under para-
9 graph (1) is to reimburse the Environmental Protec-
10 tion Agency for costs the Agency incurred relating
11 to the response actions performed at the Twin Cities
12 Army Ammunition Plant, Minnesota.

13 (3) INTERAGENCY AGREEMENT.—The reim-
14 bursement described in paragraph (2) is intended to
15 satisfy certain terms of the interagency agreement
16 entered into by the Department of the Army and the
17 Environmental Protection Agency for the Twin Cit-
18 ies Army Ammunition Plant that took effect in De-
19 cember 1987 and that provided for the recovery of
20 expenses by the Agency from the Department of the
21 Army.

22 (b) SOURCE OF FUNDS.—The transfer of funds au-
23 thorized in subsection (a) shall be made using funds au-
24 thorized to be appropriated for fiscal year 2011 for oper-

1 ation and maintenance for Environmental Restoration,
2 Army.

3 **SEC. 312. PAYMENT TO ENVIRONMENTAL PROTECTION**
4 **AGENCY OF STIPULATED PENALTIES IN CON-**
5 **NECTION WITH NAVAL AIR STATION, BRUNSWICK, MAINE.**
6

7 (a) **AUTHORITY TO TRANSFER FUNDS.**—From
8 amounts authorized to be appropriated for fiscal year
9 2011 for the Department of Defense Base Closure Ac-
10 count 2005, and notwithstanding section 2215 of title 10,
11 United States Code, the Secretary of Defense may trans-
12 fer an amount of not more than \$153,000 to the Haz-
13 ardous Substance Superfund established under subchapter
14 A of chapter 98 of the Internal Revenue Code of 1986.

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

1 (c) ACCEPTANCE OF PAYMENT.—If the Secretary of
2 Defense makes a transfer authorized under subsection (a),
3 the Administrator of the Environmental Protection Agen-
4 cy shall accept the amount transferred as payment in full
5 of the penalty referred to in subsection (b).

6 **SEC. 313. REQUIREMENTS RELATED TO THE INVESTIGA-**
7 **TION OF EXPOSURE TO DRINKING WATER AT**
8 **CAMP LEJEUNE, NORTH CAROLINA.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) The Department of the Navy and the Agen-
12 cy for Toxic Substances and Disease Registry (here-
13 inafter in this section referred to as “ATSDR”)
14 have been working together for almost two decades
15 to identify the possible effects of exposure to con-
16 taminated drinking water at Camp Lejeune, North
17 Carolina.

18 (2) Multiple studies have been conducted, and
19 are being conducted, which require significant
20 amounts of data and historical documentation, re-
21 quiring the Department of the Navy and ATSDR to
22 have close collaboration and open access to informa-
23 tion.

24 (3) In June 2010, the Department of the Navy
25 and ATSDR established the Camp Lejeune Data

1 Mining Technical Workgroup to identify and inven-
2 tory information and data relevant to the ongoing
3 scientific research.

4 (b) REQUIREMENTS.—

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

12 (2) AVAILABILITY OF NEW AND NEWLY DISCOV-
13 ERED DOCUMENTS.—If after the date of enactment
14 of this Act the Secretary of the Navy generates any
15 new document, record, or electronic data, or comes
16 into possession of any existing document, record, or
17 electronic data not previously provided in the Camp
18 Lejeune Data Mining Technical Workgroup, the Sec-
19 retary of the Navy shall make such information im-
20 mediately available to ATSDR with an electronic in-
21 ventory incorporating the newly located or generated
22 document, record, or electronic data.

23 (3) LIMITATION ON ADJUDICATION OF
24 CLAIMS.—None of the funds authorized to be appro-
25 priated by this Act for fiscal year 2011 may be used

1 to adjudicate any administrative claim filed with the
2 Department of the Navy regarding water contamina-
3 tion at Camp Lejeune, North Carolina, until at least
4 45 days after the date on which the Secretary of the
5 Navy notifies the Committees on Armed Services of
6 the Senate and House of Representatives of the in-
7 tention of the Secretary to adjudicate the claim.

8 **SEC. 314. COMPTROLLER GENERAL ASSESSMENT ON MILI-**
9 **TARY ENVIRONMENTAL EXPOSURES.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) There have been various reports of the ex-
13 posure of current and former members of the Armed
14 Forces, their dependents, and civilian employees to
15 environmental hazards while living and working on
16 military installations.

17 (2) There is the need to better understand ex-
18 isting Department of Defense policies and proce-
19 dures for addressing possible environmental expo-
20 sures at military installations, determining any cor-
21 relation between such an exposure and a subsequent
22 health condition, and handling claims and potential
23 compensation.

24 (3) While many of these possible exposures have
25 been studied and evaluated, the extent to which

1 those exposures caused or contributed to the short-
2 and long-term health conditions of current and
3 former members of the Armed Forces, their depend-
4 ents, and civilian employees remains largely un-
5 known.

6 (4) As for these possible exposures and the link
7 between the exposure and subsequent health condi-
8 tions, there may be better ways for the Federal Gov-
9 ernment to evaluate, address and, as warranted, pro-
10 vide health benefits or possible compensation as a
11 remedy to these potential exposures.

12 (b) COMPTROLLER GENERAL ASSESSMENT RE-
13 QUIRED.—The Comptroller General of the United States
14 shall carry out an assessment of possible exposures to en-
15 vironmental hazards on military installations that includes
16 the following:

17 (1) An identification of the policies and proc-
18 esses by which the Department of Defense and the
19 military departments respond to environmental haz-
20 ards on military installations and possible exposures
21 and determine if there is a standard framework.

22 (2) An identification of the existing processes
23 available to current and former members of the
24 Armed Forces, their dependents, and civilian em-
25 ployees to seek compensation and health benefits for

1 exposures to environmental hazards on military in-
2 stallations.

3 (3) A comparison of the processes identified
4 under paragraph (2) with other potential options or
5 methods for providing health benefits or compensa-
6 tion to individuals for injuries that may have re-
7 sulted from environmental hazards on military in-
8 stallations.

9 (4) An examination of what is known about the
10 advantages and disadvantages of other potential op-
11 tions or methods as well as any shortfalls in the cur-
12 rent processes.

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

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

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

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

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

9 (2) the Agency for Toxic Substances and Dis-
10 ease Registry’s statutory obligations, including its
11 obligations under the Comprehensive Environmental
12 Response, Compensation, and Liability Act of 1980
13 (42 U.S.C. 9601 et seq.) regarding Superfund sites;
14 or

15 (3) the remediation of any environmental con-
16 tamination or hazard at any military installation.

17 (f) MILITARY INSTALLATION DEFINED.—In this sec-
18 tion, the term “military installation” has the meaning
19 given that term in section 2801(c)(4) of title 10, United
20 States Code.

1 **Subtitle C—Workplace and Depot**
2 **Issues**

3 **SEC. 321. TECHNICAL AMENDMENTS TO REQUIREMENT**
4 **FOR SERVICE CONTRACT INVENTORY.**

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

7 (1) by redesignating paragraph (2) as para-
8 graph (3);

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

11 (A) by striking the second sentence;

12 (B) by inserting after the first sentence
13 the following new sentence: “The guidance for
14 compiling the inventory shall be issued by the
15 Under Secretary of Defense for Personnel and
16 Readiness, the Under Secretary of Defense
17 (Comptroller), and the Under Secretary of De-
18 fense for Acquisition, Technology, and Logis-
19 tics, as follows:”; and

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

22 “(A) The Under Secretary of Defense for Per-
23 sonnel and Readiness, as supported by the Under
24 Secretary of Defense (Comptroller), shall be respon-
25 sible for developing guidance for—

1 “(i) the collection of data regarding func-
2 tions and missions performed by contractors in
3 a manner that is comparable to the manpower
4 data elements used in inventories of functions
5 performed by Department of Defense employ-
6 ees; and

7 “(ii) the calculation of contractor man-
8 power equivalents in a manner that is com-
9 parable to the calculation of full-time equiva-
10 lents for use in inventories of functions per-
11 formed by Department of Defense employees.

12 “(B) The Under Secretary of Defense for Ac-
13 quisition, Technology, and Logistics shall be respon-
14 sible for developing guidance on other data elements
15 and implementing procedures.”;

16 (3) by inserting after subparagraph (B) of
17 paragraph (1), as added by paragraph (2), the fol-
18 lowing:

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

22 (4) in paragraph (2), as redesignated by para-
23 graph (3), by striking subparagraph (E) and insert-
24 ing the following new subparagraph (E):

1 “(E) The number of contractor employees, ex-
2 pressed as full-time equivalents for direct labor,
3 using direct labor hours and associated cost data
4 collected from contractors (except that estimates
5 may be used where such data is not available and
6 cannot reasonably be made available in a timely
7 manner for the purpose of the inventory).”.

8 **SEC. 322. REPEAL OF CONDITIONS ON EXPANSION OF**
9 **FUNCTIONS PERFORMED UNDER PRIME VEN-**
10 **DOR CONTRACTS FOR DEPOT-LEVEL MAINTEN-**
11 **NANCE AND REPAIR.**

12 Section 346 of the Strom Thurmond National De-
13 fense Authorization Act for Fiscal Year 1999 (Public Law
14 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is re-
15 pealed.

16 **SEC. 323. PROHIBITION ON ESTABLISHING GOALS OR**
17 **QUOTAS FOR CONVERSION OF FUNCTIONS TO**
18 **PERFORMANCE BY DEPARTMENT OF DE-**
19 **FENSE CIVILIAN EMPLOYEES.**

20 (a) PROHIBITION.—The Secretary of Defense may
21 not establish, apply, or enforce any numerical goal, target,
22 or quota for the conversion of Department of Defense
23 functions to performance by Department of Defense civil-
24 ian employees, unless such goal, target, or quota is based

1 on considered research and analysis, as required by section
2 235, 2330a, or 2463 of title 10, United States Code.

3 (b) DECISIONS TO INSOURCE.—In deciding which
4 functions should be converted to performance by Depart-
5 ment of Defense civilian employees pursuant to section
6 2463 of title 10, United States Code, the Secretary of De-
7 fense shall use the costing methodology outlined in the Di-
8 rective-Type Memorandum 09–007 (Estimating and Com-
9 paring the Full Costs of Civilian and Military Manpower
10 and Contractor Support) or any successor guidance for the
11 determination of costs when costs are the sole basis for
12 the decision. The Secretary of a military department may
13 issue supplemental guidance to assist in such decisions af-
14 fecting functions of that military department.

15 (c) REPORTS.—

16 (1) REPORT TO CONGRESS.—Not later than
17 March 31, 2011, the Secretary of Defense shall sub-
18 mit to the congressional defense committees a report
19 on the decisions with respect to the conversion of
20 functions to performance by Department of Defense
21 civilian employees made during fiscal year 2010.

22 Such report shall identify, for each such decision—

23 (A) the agency or service of the Depart-
24 ment involved in the decision;

1 (B) the basis and rationale for the deci-
2 sion; and

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

6 (2) COMPTROLLER GENERAL REVIEW.—Not
7 later than 120 days after the submittal of the report
8 under paragraph (1), the Comptroller General of the
9 United States shall submit to the congressional de-
10 fense committees an assessment of the report.

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

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

19 (2) to require the Secretary of Defense to con-
20 duct a cost comparison before making a decision to
21 convert any acquisition function or other critical
22 function to performance by Department of Defense
23 civilian employees, where factors other than cost
24 serve as a basis for the Secretary's decision.

Subtitle D—Reports

1 **Subtitle D—Reports**
2 **SEC. 331. ADDITIONAL REPORTING REQUIREMENTS RELAT-**
3 **ING TO CORROSION PREVENTION PROJECTS**
4 **AND ACTIVITIES.**

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

7 (1) in paragraph (1)—

8 (A) in subparagraph (C), by striking
9 “The” and inserting “For the fiscal year cov-
10 ered by the report and the preceding fiscal year,
11 the”; and

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

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

19 (2) in paragraph (2)(B), by inserting before the
20 period at the end the following: “, including the
21 annex to the report described in paragraph (3)”;

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

24 “(3) Each report under this section shall include, in
25 an annex to the report, a copy of the annual corrosion

1 report most recently submitted by the corrosion control
2 and prevention executive of each military department
3 under section 903(b)(5) of the Duncan Hunter National
4 Defense Authorization Act for Fiscal Year 2009 (Public
5 Law 110–417; 122 Stat. 4567; 10 U.S.C. 2228 note).”.

6 **SEC. 332. MODIFICATION AND REPEAL OF CERTAIN RE-**
7 **PORTING REQUIREMENTS.**

8 (a) **PRIORITIZATION OF FUNDS.**—Subsection (a) of
9 section 323 of the John Warner National Defense Author-
10 ization Act for Fiscal Year 2007 (10 U.S.C. 229 note)
11 is amended—

12 (1) in paragraph (1), by striking “the global
13 war on terrorism” and inserting “overseas contin-
14 gency operations”; and

15 (2) in paragraph (2)—

16 (A) in subparagraph (A), by striking
17 “units transforming to modularity” and insert-
18 ing “modular units”; and

19 (B) in subparagraph (B), by striking
20 “2012” and inserting “2015”.

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

23 (1) in paragraph (2)—

24 (A) in subparagraph (A)—

1 (i) by striking “the global war on ter-
2 rorism” and inserting “overseas contin-
3 gency operations”; and

4 (ii) by inserting “and” at the end;

5 (B) in subparagraph (B)—

6 (i) in clause (i), by striking “units
7 transforming to modularity” and inserting
8 “modular units”; and

9 (ii) by striking “; and” at the end and
10 inserting a period; and

11 (C) by striking subparagraph (C); and

12 (2) by striking paragraph (3).

13 (c) ANNUAL REPORT ON ARMY PROGRESS.—Sub-
14 section (c) of such section is amended—

15 (1) by striking paragraphs (1), (2), (3), (4),
16 (5), (6), and (7);

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

19 (3) by submitting “(1)” before “On the date”;

20 (4) in paragraph (1), as designated by para-
21 graph (3) of this subsection, by striking “in meet-
22 ing” and all that follows through “shall be itemized”
23 and inserting “in fulfilling the key enabler equip-
24 ment requirements of modular units and in repair-
25 ing, recapitalizing, and replacing equipment and ma-

1 teriel used in support of overseas contingency oper-
2 ations underway as of the date of such report, and
3 associated sustainment. Any information included in
4 the report shall be itemized”;

5 (5) by striking “Each such report” and all that
6 follows through the colon and inserting the fol-
7 lowing:

8 “(2) Each such report shall include the following:

9 “(A) An assessment of the key enabler equip-
10 ment and personnel of the Army, including—

11 “(i) a comparison of—

12 “(I) the authorized level of key en-
13 abler equipment;

14 “(II) the level of key enabler equip-
15 ment on hand; and

16 “(III) the planned purchases of key
17 enabler equipment as set forth in the fu-
18 ture-years defense program submitted with
19 the budget for such fiscal year;

20 “(ii) a comparison of the authorized and
21 actual personnel levels for personnel with key
22 enabler personnel specialties with the require-
23 ments for key enabler personnel specialties;

1 “(iii) an identification of any shortfalls in-
2 dicated by the comparisons in clauses (i) and
3 (ii); and

4 “(iv) an assessment of the number and
5 type of key enabler equipment that the Army
6 projects it will have on hand by the end of such
7 future-years defense program that will require
8 repair, recapitalization, or replacement at or be
9 fore the end of the time period covered by such
10 future-years defense program (which assess-
11 ment shall account for additional repair, recap-
12 italization, or replacement resulting from use of
13 key enabler equipment in overseas contingency
14 operations).

15 “(B) If an assessment under subparagraph (A)
16 identifies shortfalls that will exist within the period
17 covered by the future-years defense program sub-
18 mitted in such fiscal year, an identification of the
19 risks associated with such shortfalls and mitigation
20 strategies to address such risks.

21 “(C) A schedule for the accomplishment of the
22 purposes set forth in paragraph (1).”;

23 (6) in paragraph (2), as amended by para-
24 graphs (2) and (5) of this subsection, by inserting

1 after subparagraph (D) the following new subpara-
2 graph:

3 “(E) A description of the status of the develop-
4 ment of doctrine on how modular combat, func-
5 tional, and support forces will train, be sustained,
6 and fight.”; and

7 (7) in subparagraph (F) of paragraph (2) as re-
8 designated by paragraphs (2) and (5) of this sub-
9 section, by striking “paragraphs (1) through (8)”
10 and inserting “subparagraphs (A) through (E)”.

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

14 “(d) ANNUAL COMPTROLLER GENERAL REPORT ON
15 ARMY PROGRESS.—Not later than 180 days after the date
16 on which the Secretary of the Army submits a report
17 under subsection (c), the Comptroller General of the
18 United States shall submit to the congressional defense
19 committees a report setting forth the Comptroller Gen-
20 eral’s review of such report. Each report under this sub-
21 section shall include such information and recommenda-
22 tions as the Comptroller General considers appropriate in
23 light of such review.”.

24 (e) DEFINITIONS.—Such section is further amend-
25 ed—

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by inserting after subsection (d), as amend-
4 ed by subsection (d) of this section, the following
5 new subsection (e):

6 “(e) DEFINITIONS.—In this section:

7 “(1) The term ‘contingency operation’ has the
8 meaning given that term in section 101(a)(13) of
9 title 10, United States Code.

10 “(2) The term ‘key enabler’, in the case of
11 equipment or personnel, means equipment or per-
12 sonnel, as the case may be, that make a modular
13 force or unit as capable or more capable than the
14 non-modular force or unit it replaced, including the
15 following:

16 “(A) Equipment such as tactical and high
17 frequency radio, tactical wheeled vehicles, battle
18 command systems, unmanned aerial vehicles,
19 all-source analysis systems, analysis and control
20 elements, fire support sensor systems, firefinder
21 radar, joint network nodes, long-range advanced
22 scout surveillance systems, Trojan Spirit sys-
23 tems (or any successor system), and any other
24 equipment items identified by the Army as
25 making a modular force or unit as capable or

1 more capable than the non-modular force or
2 unit it replaced.

3 “(B) Personnel in specialties needed to op-
4 erate or support the equipment specified in sub-
5 paragraph (A) and personnel in specialties re-
6 lating to civil affairs, communication and infor-
7 mation systems operation, explosive ordinance
8 disposal, military intelligence, psychological op-
9 erations, and any other personnel specialties
10 identified by the Army as making a modular
11 force or unit as capable or more capable than
12 the non-modular force or unit it replaced.”.

13 (f) TERMINATION OF REPORT REQUIREMENT.—Sub-
14 section (f) of such section, as redesignated by subsection
15 (e)(1) of this section, is further amended by striking “fis-
16 cal year 2012” and inserting “fiscal year 2015”.

17 (g) REPEAL OF REPORT ON DISPOSITION OF RE-
18 SERVE EQUIPMENT.—Title III of the John Warner Na-
19 tional Defense Authorization Act for Fiscal Year 2007
20 (Public Law 109–364) is amended by striking section 349.

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

1 **SEC. 333. REPORT ON AIR SOVEREIGNTY ALERT MISSION.**

2 (a) REPORT REQUIRED.—Not later than March 1,
3 2011, the Commander of the United States Northern
4 Command and the North American Aerospace Defense
5 Command shall submit to the Committees on Armed Serv-
6 ices of the Senate and House of Representatives a report
7 on the Air Sovereignty Alert (hereinafter in this section
8 referred to as “ASA”) mission and Operation Noble
9 Eagle.

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

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

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

18 (2) An evaluation of each of the following:

19 (A) The current ability to perform the
20 ASA mission with respect to training, equip-
21 ment, and basing.

22 (B) Any current deficiencies in the ASA
23 mission.

24 (C) Any changes in threats that would re-
25 quire any change in training, equipment, and
26 basing to effectively support the ASA mission.

1 (D) An evaluation of whether the ASA
2 mission is fully resourced with respect to fund-
3 ing, personnel, and aircraft.

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

7 (i) population centers covered; and

8 (ii) targets of value covered, including
9 symbolic (including national monuments,
10 sports venues, and centers of commerce),
11 critical infrastructure (including power
12 plants, ports, dams, bridges, and tele-
13 communication nodes), and national secu-
14 rity (including military bases and organs of
15 government) targets.

16 (F) An unclassified, notional area of re-
17 sponsibility conforming to the unclassified re-
18 sponse time of the unit represented graphically
19 on a map and detailing the total population and
20 number of targets of value covered, as described
21 in subparagraph (E).

22 (3) The status of the implementation of the rec-
23 ommendations made in the Government Account-
24 ability Office report entitled “Actions Needed to Im-

1 prove Management of Air Sovereignty Alert Oper-
2 ations to Protect U.S. Airspace” (GAO–09–184).

3 (d) FORM OF REPORT.—The report required by sub-
4 section (a) shall be submitted in unclassified form, but
5 may contain a classified annex.

6 **SEC. 334. REPORT ON THE SEAD/DEAD MISSION REQUIRE-**
7 **MENT FOR THE AIR FORCE.**

8 (a) REPORT REQUIRED.—Not later than 120 days
9 after the date of the enactment of this Act, the Secretary
10 of the Air Force shall submit to the Committee on Armed
11 Services of the Senate and the Committee on Armed Serv-
12 ice of the House of Representatives a report describing
13 the feasibility and desirability of designating the Suppres-
14 sion of Enemy Air Defenses/Destruction of Enemy Air De-
15 fenses (hereinafter in this section referred to as “SEAD/
16 DEAD”) mission as a responsibility of the Air National
17 Guard.

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

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

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

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

4 (B) Any current deficiencies of the Air Na-
5 tional Guard to perform the mission, including
6 range infrastructure or other improvements
7 needed to support peacetime training and readi-
8 ness.

9 (C) The corrective actions and costs re-
10 quired to address any deficiencies described in
11 subparagraph (B).

12 (e) CONSULTATION.—The Secretary of the Air Force
13 shall consult with the Director of the National Guard Bu-
14 reau who shall review and provide independent analysis
15 and comments on the report required under subsection
16 (a).

17 **SEC. 335. REQUIREMENT TO UPDATE STUDY ON STRATEGIC**
18 **SEAPORTS.**

19 The Commander of the United States Transportation
20 Command shall update the study entitled “PORT LOOK
21 2008 Strategic Seaports Study”. In updating the study
22 under this section, the Commander shall consider the in-
23 frastructure in the vicinity of a strategic port, including
24 bridges, roads, and rail, and any issues relating to the ca-
25 pacity and condition of such infrastructure.

1 **Subtitle E—Limitations and**
2 **Extensions of Authority**

3 **SEC. 341. PERMANENT AUTHORITY TO ACCEPT AND USE**
4 **LANDING FEES CHARGED FOR USE OF DO-**
5 **MESTIC MILITARY AIRFIELDS BY CIVIL AIR-**
6 **CRAFT.**

7 (a) IN GENERAL.—Chapter 159 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 2697. Acceptance and use of landing fees charged**
11 **for use of domestic military airfields by**
12 **civil aircraft**

13 “(a) AUTHORITY.—The Secretary of a military de-
14 partment may impose landing fees for the use by civil air-
15 craft of domestic military airfields under the jurisdiction
16 of that Secretary and may use any fees received under
17 this section as a source of funding for the operation and
18 maintenance of airfields of that department.

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

23 “(c) USE OF PROCEEDS.—Amounts received for a
24 fiscal year in payment of landing fees imposed under this
25 section for the use of a military airfield shall be credited

1 to the appropriation that is available for that fiscal year
2 for the operation and maintenance of that military airfield,
3 shall be merged with amounts in the appropriation to
4 which credited, and shall be available for that military air-
5 field for the same period and purposes as the appropria-
6 tion is available.

7 “(d) LIMITATION.—The Secretary of a military de-
8 partment shall determine whether consideration for a
9 landing fee has been received in a lease, license, or other
10 real estate agreement for an airfield and shall use such
11 a determination to offset appropriate amounts imposed
12 under subsection (a) for that airfield.”.

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

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

16 **SEC. 342. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-**
17 **TIATIVE.**

18 Section 343 of the Floyd D. Spence National Defense
19 Authorization Act for Fiscal Year 2001 (Public Law 106–
20 398; 10 U.S.C. 4551 note), as amended by section 341
21 of the National Defense Authorization Act for Fiscal Year
22 2008 (Public Law 110–181; 122 Stat. 69) and section 354
23 of the National Defense Authorization Act for Fiscal Year

1 2010 (Public Law 111–84; 123 Stat. 2264), is further
2 amended—

3 (1) in subsection (a), by striking “2011” and
4 inserting “2012”; and

5 (2) in subsection (g)(1), by striking “2011”
6 and inserting “2012”.

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

9 (a) LIMITATION.—Of the amounts authorized to be
10 appropriated for the Human Terrain System (hereinafter
11 in this section referred to as the “HTS”) that are de-
12 scribed in subsection (b), not more than 85 percent of the
13 amounts remaining unobligated as of the date of enact-
14 ment of this Act may be obligated until the Secretary of
15 the Army submits to the congressional defense committees
16 each of the following:

17 (1) A validation of all HTS requirements, in-
18 cluding any prior joint urgent operational needs
19 statements.

20 (2) A certification that policies, procedures, and
21 guidance are in place to protect the integrity of so-
22 cial science researchers participating in HTS, includ-
23 ing ethical guidelines and human studies research
24 procedures.

1 (b) COVERED AUTHORIZATIONS OR APPROPRIA-
2 TIONS.—The amounts authorized to be appropriated de-
3 scribed in this subsection are amounts authorized to be
4 appropriated for fiscal year 2011, including such amounts
5 authorized to be appropriated for overseas contingency op-
6 erations, for—

- 7 (1) operation and maintenance for HTS;
8 (2) procurement for Mapping the Human Ter-
9 rain hardware and software; and
10 (3) research, development, test, and evaluation
11 for Mapping the Human Terrain hardware and soft-
12 ware.

13 **SEC. 344. LIMITATION ON OBLIGATION OF FUNDS PENDING**
14 **SUBMISSION OF CLASSIFIED JUSTIFICATION**
15 **MATERIAL.**

16 Of the amounts authorized to be appropriated in this
17 title for fiscal year 2011 for the Office of the Secretary
18 of Defense, of the amount that corresponds with budget
19 activity four, line 270, in the budget transmitted to Con-
20 gress by the President for fiscal year 2011, not more than
21 90 percent may be obligated until 15 days after the infor-
22 mation cited in the classified annex accompanying this Act
23 relating to the provision of classified justification material
24 to Congress is provided to the congressional defense com-
25 mittees.

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

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

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

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

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

21 (B) a description of the condition, includ-
22 ing the estimated remaining service life, in
23 which any such aircraft will be returned to the
24 reserve component; and

25 (C) a description of the allocation of re-
26 sources, including the designation of responsi-

1 bility for funding aircraft operation and mainte-
2 nance and a detailed description of budgetary
3 responsibilities, for the period for which the
4 ownership of the aircraft is transferred to the
5 regular component.

6 (3) The designation of responsibility for fund-
7 ing depot maintenance requirements or modifications
8 to the aircraft generated as a result of the transfer,
9 including any such requirements and modifications
10 required during the period for which the ownership
11 of the aircraft is transferred to the regular compo-
12 nent.

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

15 (5) The effects on manpower that such a trans-
16 fer may have at any facility identified under para-
17 graph (4).

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

21 (7) Any other items the Director of the Air Na-
22 tional Guard or the Commander of the Air Force
23 Reserve Command determines are necessary in order
24 to execute such a transfer.

1 (b) SUBMITTAL OF AGREEMENTS TO CONGRESS.—
2 The Secretary of the Air Force may not take any action
3 to transfer the ownership of an aircraft as described in
4 subsection (a) until the Secretary submits to the congress-
5 sional defense committees an agreement entered into pur-
6 suant to such subsection regarding the transfer of owner-
7 ship of the aircraft.

8 **SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNI-**
9 **TION IN EXCESS OF MILITARY REQUIRE-**
10 **MENTS.**

11 (a) COMMERCIAL SALE OF SMALL ARMS AMMUNI-
12 TION.—Small arms ammunition and ammunition compo-
13 nents in excess of military requirements, including fired
14 cartridge cases, which are not otherwise prohibited from
15 commercial sale or certified by the Secretary of Defense
16 as unserviceable or unsafe, may not be demilitarized or
17 destroyed and shall be made available for commercial sale.

18 (b) DEADLINE FOR GUIDANCE.—Not later than 90
19 days after the date of the enactment of this Act, the Sec-
20 retary of Defense shall issue guidance to ensure compli-
21 ance with subsection (a). Not later than 15 days after
22 issuing such guidance, the Secretary shall submit to the
23 congressional defense committees a letter of compliance
24 providing notice of such guidance.

1 (c) PREFERENCE.—No small arms ammunition and
2 ammunition components in excess of military require-
3 ments may be made available for commercial sale under
4 this section before such ammunition and ammunition com-
5 ponents are offered for transfer or purchase, as authorized
6 by law, to another Federal department or agency or for
7 sale to State and local law enforcement, firefighting,
8 homeland security, and emergency management agencies
9 pursuant to section 2576 of title 10, United States Code,
10 as amended by this Act.

11 **Subtitle F—Other Matters**

12 **SEC. 351. EXPEDITED PROCESSING OF BACKGROUND IN-** 13 **VESTIGATIONS FOR CERTAIN INDIVIDUALS.**

14 (a) EXPEDITED PROCESSING OF SECURITY CLEAR-
15 ANCES.—Section 1564 of title 10, United States Code, is
16 amended—

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

19 “(a) EXPEDITED PROCESS.—The Secretary of De-
20 fense may prescribe a process for expediting the comple-
21 tion of the background investigations necessary for grant-
22 ing security clearances for—

23 “(1) Department of Defense personnel and De-
24 partment of Defense contractor personnel who are

1 engaged in sensitive duties that are critical to the
2 national security; and

3 “(2) any individual who—

4 “(A) submits an application for a position
5 as an employee of the Department of Defense
6 for which—

7 “(i) the individual is qualified; and

8 “(ii) a security clearance is required;

9 and

10 “(B) is—

11 “(i) a member of the armed forces
12 who was retired or separated, or is ex-
13 pected to be retired or separated, for phys-
14 ical disability pursuant to chapter 61 of
15 this title;

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

1 “(iii) the spouse of a member of the
2 armed forces who dies, after the date of
3 the enactment of the Ike Skelton National
4 Defense Authorization Act for Fiscal Year
5 2011, as a result of a wound, injury, or ill-
6 ness incurred or aggravated in the line of
7 duty (as determined by the Secretary con-
8 cerned).”;

9 (2) by adding at the end the following new sub-
10 section:

11 “(f) USE OF APPROPRIATED FUNDS.—The Secretary
12 of Defense may use funds authorized to be appropriated
13 to the Department of Defense for operation and mainte-
14 nance to conduct background investigations under this
15 section for individuals described in subsection (a)(2).”.

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

1 **SEC. 352. REVISION TO AUTHORITIES RELATING TO TRANS-**
2 **PORTATION OF CIVILIAN PASSENGERS AND**
3 **COMMERCIAL CARGOES BY DEPARTMENT OF**
4 **DEFENSE WHEN SPACE UNAVAILABLE ON**
5 **COMMERCIAL LINES.**

6 (a) TRANSPORTATION ON DOD VEHICLES AND AIR-
7 CRAFT.—Subsection (a) of section 2649 of title 10, United
8 States Code, is amended—

9 (1) by inserting “AUTHORITY.—” before
10 “Whenever”; and

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

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

16 (1) LIMITATION ON AMOUNTS CHARGED.—The
17 second sentence of subsection (a) of such section is
18 amended by inserting before the period the fol-
19 lowing: “, except that in the case of transportation
20 provided in response to an emergency, a disaster, or
21 a request for humanitarian assistance, any amount
22 charged for such transportation may not exceed the
23 cost of providing the transportation”.

24 (2) CREDITING OF RECEIPTS.—Subsection (b)
25 of such section is amended by striking “Amounts”
26 and inserting “CREDITING OF RECEIPTS.—Any

1 amount received under this section with respect to
2 transportation provided in response to an emer-
3 gency, a disaster, or a request for humanitarian as-
4 sistance may be credited to the appropriation, fund,
5 or account used in incurring the obligation for which
6 such amount is received. In all other cases,
7 amounts”.

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

11 “(c) TRANSPORTATION OF ALLIED PERSONNEL
12 DURING CONTINGENCIES OR DISASTER RESPONSES.—
13 During the 5-year period beginning on the date of the en-
14 actment of the Ike Skelton National Defense Authoriza-
15 tion Act for Fiscal Year 2011, when space is available on
16 vessels, vehicles, or aircraft operated by the Department
17 of Defense and the Secretary of Defense determines that
18 operations in the area of a contingency operation or dis-
19 aster response would be facilitated if allied forces or civil-
20 ians were to be transported using such vessels, vehicles,
21 or aircraft, the Secretary may provide such transportation
22 on a noninterference basis, without charge.”.

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

1 (e) TECHNICAL AMENDMENTS.—

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

4 **“§ 2648. Persons and supplies: sea, land, and air
5 transportation”.**

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

8 **“§ 2649. Civilian passengers and commercial cargoes:
9 transportation on Department of Defense
10 vessels, vehicles, and aircraft”.**

11 (f) CLERICAL AMENDMENTS.—The table of sections
12 at the beginning of chapter 157 of such title is amended
13 by striking the items relating to sections 2648 and 2649
14 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.”.

15 **SEC. 353. TECHNICAL CORRECTION TO OBSOLETE REF-**
16 **ERENCE RELATING TO USE OF FLEXIBLE**
17 **HIRING AUTHORITY TO FACILITATE PER-**
18 **FORMANCE OF CERTAIN DEPARTMENT OF**
19 **DEFENSE FUNCTIONS BY CIVILIAN EMPLOY-**
20 **EES.**

21 Section 2463(d)(1) of title 10, United States Code,
22 is amended by striking “under the National Security Per-
23 sonnel System, as established”.

1 **SEC. 354. AUTHORITY FOR PAYMENT OF FULL REPLACE-**
2 **MENT VALUE FOR LOSS OR DAMAGE TO**
3 **HOUSEHOLD GOODS IN LIMITED CASES NOT**
4 **COVERED BY CARRIER LIABILITY.**

5 (a) CLAIMS AUTHORITY.—

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

9 **“§ 2740. Property loss: reimbursement of members**
10 **and civilian employees for full replace-**
11 **ment value of household effects when**
12 **contractor reimbursement not available**

13 “The Secretary of Defense and the Secretaries of the
14 military departments, in paying a claim under section
15 3721 of title 31 arising from loss or damage to household
16 goods stored or transported at the expense of the Depart-
17 ment of Defense, may pay the claim on the basis of full
18 replacement value in any of the following cases in which
19 reimbursement for the full replacement value for the loss
20 or damage is not available directly from a carrier under
21 section 2636a of this title:

22 “(1) A case in which—

23 “(A) the lost or damaged goods were
24 stored or transported under a contract, tender,
25 or solicitation in accordance with section 2636a
26 of this title that requires the transportation

1 service provider to settle claims on the basis of
2 full replacement value; and

3 “(B) the loss or damage occurred under
4 circumstances that exclude the transportation
5 service provider from liability.

6 “(2) A case in which—

7 “(A) the loss or damage occurred while the
8 lost or damaged goods were in the possession of
9 an ocean carrier that was transporting, loading,
10 or unloading the goods under a Department of
11 Defense contract for ocean carriage; and

12 “(B) the land-based portions of the trans-
13 portation were under contracts, in accordance
14 with section 2636a of this title, that require the
15 land carriers to settle claims on the basis of full
16 replacement value.

17 “(3) A case in which—

18 “(A) the lost or damaged goods were
19 transported or stored under a contract or solici-
20 tation that requires at least one of the trans-
21 portation service providers or carriers that han-
22 dled the shipment to settle claims on the basis
23 of full replacement value pursuant to section
24 2636a of this title;

1 “(B) the lost or damaged goods have been
 2 in the custody of more than one independent
 3 contractor or transportation service provider;
 4 and

5 “(C) a claim submitted to the delivering
 6 transportation service provider or carrier is de-
 7 nied in whole or in part because the loss or
 8 damage occurred while the lost or damaged
 9 goods were in the custody of a prior transpor-
 10 tation service provider or carrier or government
 11 entity.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
 13 tions at the beginning of such chapter is amended
 14 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 reim-
 bursement not available.”.

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

19 **SEC. 355. RECOVERY OF IMPROPERLY DISPOSED OF DE-**
 20 **PARTMENT OF DEFENSE PROPERTY.**

21 (a) IN GENERAL.—Chapter 165 of title 10, United
 22 States Code, is amended by adding at the end the fol-
 23 lowing new section:

1 **“§ 2790. Recovery of improperly disposed of Depart-**
2 **ment of Defense property**

3 “(a) PROHIBITION.—No member of the armed forces,
4 civilian employee of the United States Government, con-
5 tractor personnel, or other person may sell, lend, pledge,
6 barter, or give any clothing, arms, articles, equipment, or
7 other military or Department of Defense property except
8 in accordance with the statutes and regulations governing
9 Government property.

10 “(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of
11 subsection (a), the person holding the property has no
12 right or title to, or interest in, the property.
13

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

23 “(1) pursuant to—

24 “(A) a warrant issued by the district court
25 of the United States for the district in which
26 the property is located, or for the district in

1 which the person in possession of the property
2 resides or is subject to service; or

3 “(B) pursuant to an order by such court,
4 issued after a determination of improper trans-
5 fer under subsection (e); and

6 “(2) after such a court has issued such a war-
7 rant or order.

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

10 “(1) property on public display by public or pri-
11 vate collectors or museums in secured exhibits; or

12 “(2) property in the collection of any museum
13 or veterans organization or held in a private collec-
14 tion for the purpose of public display, provided that
15 any such property, the possession of which could un-
16 dermine national security or create a hazard to pub-
17 lic health or safety, has been fully demilitarized.

18 “(e) DETERMINATIONS OF VIOLATIONS.—(1) The
19 district court of the United States for the district in which
20 the property is located, or the district in which the person
21 in possession of the property resides or is subject to serv-
22 ice, shall have jurisdiction, regardless of the current ap-
23 proximated or estimated value of the property, to deter-
24 mine whether property was disposed of in violation of sub-

1 section (a). Any such determination shall be by a prepon-
2 derance of the evidence.

3 “(2) Except as provided in paragraph (3), in the case
4 of property, the possession of which could undermine na-
5 tional security or create a hazard to public health or safe-
6 ty, the determination under paragraph (1) may be made
7 after the seizure of the property, as long as the United
8 States files an action seeking such determination within
9 90 days after seizure of the property. If the person from
10 whom the property is seized is found to have been lawfully
11 in possession of the property and the return of the prop-
12 erty could undermine national security or create a hazard
13 to public health or safety, the Secretary of Defense shall
14 reimburse the person for the market value for the prop-
15 erty.

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

19 “(f) DELIVERY OF SEIZED PROPERTY.—Any law en-
20 forcement official who seizes property under subsection (c)
21 and is not authorized to retain it for the United States
22 shall deliver the property to an authorized member of the
23 armed forces or other authorized official of the Depart-
24 ment of Defense or the Department of Justice.

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

3 “(1) Any military or Department of Defense
4 property disposed of on or after the date of the en-
5 actment of the Ike Skelton National Defense Au-
6 thorization Act for Fiscal Year 2011 in a manner
7 that is not in accordance with statutes and regula-
8 tions governing Government property in effect at the
9 time of the disposal of such property.

10 “(2) Any significant military equipment dis-
11 posed of on or after January 1, 2002, in a manner
12 that is not in accordance with statutes and regula-
13 tions governing Government property in effect at the
14 time of the disposal of such significant military
15 equipment.

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

20 “(i) DEFINITIONS.—In this section:

21 “(1) The term ‘significant military equipment’
22 means defense articles on the United States Muni-
23 tions List for which special export controls are war-
24 ranted because of their capacity for substantial mili-
25 tary utility or capability.

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

4 “(3) The term ‘fully demilitarized’ means, with
5 respect to equipment or material, the destruction of
6 the military offensive or defensive advantages inher-
7 ent in the equipment or material, including, at a
8 minimum, the destruction or disabling of key points
9 of such equipment or material, such as the fuselage,
10 tail assembly, wing spar, armor, radar and radomes,
11 armament and armament provisions, operating sys-
12 tems and software, and classified items.

13 “(4) The term ‘veterans organization’ means
14 any organization recognized by the Secretary of Vet-
15 erans Affairs for the representation of veterans
16 under section 5902 of title 38.”.

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

 “2790. Recovery of improperly disposed of Department of Defense property.”.

21 **SEC. 356. OPERATIONAL READINESS MODELS.**

22 (a) REVIEW OF MODELS.—Not later than September
23 30, 2011, the Director of the Congressional Budget Office
24 shall conduct a study to identify, compare, and contrast
25 the budget preparation tools and models used by each of

1 the military departments to determine funding levels for
2 operational readiness requirements during the program-
3 ming, planning, budgeting, and execution process and re-
4 port the findings to the congressional defense committees.

5 In carrying out such study, the Director shall—

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

13 (2) identify any shortcomings or deficiencies in
14 the approach of each military department in building
15 the operational readiness budget for that depart-
16 ment.

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

1 (1) a description of how the military depart-
2 ment concerned plans to address any deficiencies in
3 the development of the operational readiness budget
4 of such department identified in the study; and

5 (2) a description of how the modeling tools
6 identified in the study could be used by the military
7 department to improve the development of the oper-
8 ational readiness budget for the department.

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

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The High-Altitude Aviation Training Site in
15 Gypsum, Colorado, is the only Department of De-
16 fense aviation school that provides an opportunity
17 for rotor-wing military pilots to train in high-alti-
18 tude, mountainous terrain, under full gross weight
19 and power management operations.

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

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

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

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

8 **SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF**
9 **OBSTRUCTIONS ON MILITARY INSTALLA-**
10 **TIONS AND OPERATIONS.**

11 (a) OBJECTIVE.—It shall be an objective of the De-
12 partment of Defense to ensure that the robust develop-
13 ment of renewable energy sources and the increased resil-
14 iency of the commercial electrical grid may move forward
15 in the United States, while minimizing or mitigating any
16 adverse impacts on military operations and readiness.

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

19 (1) DESIGNATION.—Not later than 30 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense shall designate a senior official of
22 the Department of Defense, and a lead organization
23 of the Department of Defense, to—

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

1 (B) serve as a clearinghouse to coordinate
2 Department of Defense review of applications
3 for projects filed with the Secretary of Trans-
4 portation pursuant to section 44718 of title 49,
5 United States Code, and received by the De-
6 partment of Defense from the Secretary of
7 Transportation; and

8 (C) accelerate the development of planning
9 tools necessary to determine the acceptability to
10 the Department of Defense of proposals in-
11 cluded in an application for a project submitted
12 pursuant to such section.

13 (2) RESOURCES.—The Secretary shall ensure
14 that the senior official and lead organization des-
15 ignated under paragraph (1) are assigned such per-
16 sonnel and resources as the Secretary considers ap-
17 propriate to carry out this section.

18 (c) INITIAL ACTIONS.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary of
20 Defense, acting through the senior official and lead orga-
21 nization designated pursuant to subsection (b), shall—

22 (1) conduct a preliminary review of each appli-
23 cation for a project filed with the Secretary of
24 Transportation pursuant to section 44718 of title
25 49, United States Code, that may have an adverse

1 impact on military operations and readiness, unless
2 such project has been granted a determination of no
3 hazard. Such review shall, at a minimum, for each
4 such project—

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

8 (B) identify any feasible and affordable ac-
9 tions that could be taken in the immediate fu-
10 ture by the Department, the developer of such
11 project, or others to mitigate such adverse im-
12 pact and to minimize risks to national security
13 while allowing such project to proceed with de-
14 velopment;

15 (2) develop, in coordination with other depart-
16 ments and agencies of the Federal Government, an
17 integrated review process to ensure timely notifica-
18 tion and consideration of projects filed with the Sec-
19 retary of Transportation pursuant to section 44718
20 of title 49, United States Code, that may have an
21 adverse impact on military operations and readiness;

22 (3) establish procedures for the Department of
23 Defense for the coordinated consideration of and re-
24 sponse to a request for a review received from State
25 and local officials or the developer of a renewable en-

1 energy development or other energy project, including
2 guidance to personnel at each military installation in
3 the United States on how to initiate such procedures
4 and ensure a coordinated Department response while
5 seeking to fulfil the objective under subsection (a);
6 and

7 (4) develop procedures for conducting early out-
8 reach to parties carrying out projects filed with the
9 Secretary of Transportation pursuant to section
10 44718 of title 49, United States Code, that could
11 have an adverse impact on military operations and
12 readiness, and to the general public, to clearly com-
13 municate notice on actions being taken by the De-
14 partment of Defense under this section and to re-
15 ceive comments from such parties and the general
16 public on such actions.

17 (d) COMPREHENSIVE REVIEW.—

18 (1) STRATEGY REQUIRED.—Not later than 270
19 days after the date of the enactment of this Act, the
20 Secretary of Defense, acting through the senior offi-
21 cial and lead organization designated pursuant to
22 subsection (b), shall develop a comprehensive strat-
23 egy for addressing the military impacts of projects
24 filed with the Secretary of Transportation pursuant
25 to section 44718 of title 49, United States Code.

1 (2) ELEMENTS.—In developing the strategy re-
2 quired by paragraph (1), the Secretary of Defense
3 shall—

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

8 (B) identify geographic areas selected as
9 proposed locations for projects filed, or which
10 may be filed in the future, with the Secretary
11 of Transportation pursuant to section 44718 of
12 title 49, United States Code, where such
13 projects could have an adverse impact on mili-
14 tary operations and readiness and categorize
15 the risk of adverse impact in such areas as
16 high, medium, or low for the purpose of inform-
17 ing early outreach efforts under subsection
18 (c)(4) and preliminary assessments under sub-
19 section (e); and

20 (C) specifically identify feasible and afford-
21 able long-term actions that may be taken to
22 mitigate adverse impacts of projects filed, or
23 which may be filed in the future, with the Sec-
24 retary of Transportation pursuant to section

1 44718 of title 49, United States Code, on mili-
2 tary operations and readiness, including—

3 (i) investment priorities of the De-
4 partment of Defense with respect to re-
5 search and development;

6 (ii) modifications to military oper-
7 ations to accommodate applications for
8 such projects;

9 (iii) recommended upgrades or modi-
10 fications to existing systems or procedures
11 by the Department of Defense;

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

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

20 (e) DEPARTMENT OF DEFENSE HAZARD ASSESS-
21 MENT.—

22 (1) PRELIMINARY ASSESSMENT.—The proce-
23 dures established pursuant to subsection (e) shall
24 ensure that not later than 30 days after receiving a
25 proper application for a project filed with the Sec-

1 retary of Transportation pursuant to section 44718
2 of title 49, United States Code, the Secretary of De-
3 fense shall review the project and provide a prelimi-
4 nary assessment of the level of risk of adverse im-
5 pact on military operations and readiness that would
6 arise from the project and the extent of mitigation
7 that may be needed to address such risk.

8 (2) DETERMINATION OF UNACCEPTABLE
9 RISK.—The procedures established pursuant to sub-
10 section (c) shall ensure that the Secretary of De-
11 fense does not object to a project filed with the Sec-
12 retary of Transportation pursuant to section 44718
13 of title 49, United States Code, except in a case in
14 which the Secretary of Defense determines, after
15 giving full consideration to mitigation actions identi-
16 fied pursuant to this section, that such project would
17 result in an unacceptable risk to the national secu-
18 rity of the United States.

19 (3) CONGRESSIONAL NOTICE REQUIREMENT.—
20 Not later than 30 days after making a determination
21 of unacceptable risk under paragraph (2), the Sec-
22 retary of Defense shall submit to the congressional
23 defense committees a report on such determination
24 and the basis for such determination. Such a report
25 shall include an explanation of the operational im-

1 pact that led to the determination, a discussion of
2 the mitigation options considered, and an expla-
3 nation of why the mitigation options were not fea-
4 sible or did not resolve the conflict.

5 (4) NON-DELEGATION OF DETERMINATIONS.—

6 The responsibility for making a determination of un-
7 acceptable risk under paragraph (2) may only be
8 delegated to an appropriate senior officer of the De-
9 partment of Defense, on the recommendation of the
10 senior official designated pursuant to subsection (b).
11 The following individuals are appropriate senior offi-
12 cers of the Department of Defense for the purposes
13 of this paragraph:

14 (A) The Deputy Secretary of Defense.

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

17 (C) The Principal Deputy Under Secretary
18 of Defense for Acquisition, Technology, and Lo-
19 gistics.

20 (f) REPORTS.—

21 (1) REPORT TO CONGRESS.—Not later than
22 March 15 each year from 2011 through 2015, the
23 Secretary of Defense shall submit to the congres-
24 sional defense committees a report on the actions
25 taken by the Department of Defense during the pre-

1 ceding year to implement this section and the com-
2 prehensive strategy developed pursuant to this sec-
3 tion.

4 (2) CONTENTS OF REPORT.—Each report sub-
5 mitted under paragraph (1) shall include—

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

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

14 (ii) for which the Secretary of Defense
15 has recommended to the Secretary of
16 Transportation that a hazard determina-
17 tion be issued;

18 (B) an assessment of the risk associated
19 with the loss or modifications of military train-
20 ing routes and a quantification of such risk;

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

24 (D) an assessment of the risk associated
25 with electromagnetic interference on military

1 readiness, including the effects of testing and
2 evaluation ranges;

3 (E) an assessment of any risks posed by
4 the development of projects filed with the Sec-
5 retary of Transportation pursuant to section
6 44718 of title 49, United States Code, to the
7 prevention of threats and aggression directed
8 toward the United States and its territories;
9 and

10 (F) a description of the distance from a
11 military installation that the Department of De-
12 fense will use to prescreen applicants under sec-
13 tion 44718 of title 49, United States Code.

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

23 (h) EFFECT OF DEPARTMENT OF DEFENSE HAZARD
24 ASSESSMENT.—An action taken pursuant to this section
25 shall not be considered to be a substitute for any assess-

1 ment or determination required of the Secretary of Trans-
2 portation under section 44718 of title 49, United States
3 Code.

4 (i) SAVINGS PROVISION.—Nothing in this section
5 shall be construed to affect or limit the application of, or
6 any obligation to comply with, any environmental law, in-
7 cluding the National Environmental Policy Act of 1969
8 (42 U.S.C. 4321 et seq.).

9 (j) DEFINITIONS.—In this section:

10 (1) The term “military training route” means a
11 training route developed as part of the Military
12 Training Route Program, carried out jointly by the
13 Federal Aviation Administration and the Secretary
14 of Defense, for use by the Armed Forces for the
15 purpose of conducting low-altitude, high-speed mili-
16 tary training.

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

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

23 **TITLE IV—MILITARY**
24 **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.

1 **Subtitle A—Active Forces**

2 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

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

5 (1) The Army, 569,400.

6 (2) The Navy, 328,700.

7 (3) The Marine Corps, 202,100.

8 (4) The Air Force, 332,200.

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

11 Section 691(b) of title 10, United States Code, is
12 amended by striking paragraphs (1) through (4) and in-
13 serting the following new paragraphs:

14 “(1) For the Army, 547,400.

15 “(2) For the Navy, 324,300.

16 “(3) For the Marine Corps, 202,100.

17 “(4) For the Air Force, 332,200.”.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

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

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

8 (2) The Army Reserve, 205,000.

9 (3) The Navy Reserve, 65,500.

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

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

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

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

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

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

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

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2011, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 32,060.
- 23 (2) The Army Reserve, 16,261.
- 24 (3) The Navy Reserve, 10,688.
- 25 (4) The Marine Corps Reserve, 2,261.

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

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

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

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2011 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

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

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

14 (3) For the Air Force Reserve, 10,720.

15 (4) For the Air National Guard of the United
16 States, 22,394.

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

19 (a) LIMITATIONS.—

20 (1) NATIONAL GUARD.—Within the limitation
21 provided in section 10217(c)(2) of title 10, United
22 States Code, the number of non-dual status techni-
23 cians employed by the National Guard as of Sep-
24 tember 30, 2011, may not exceed the following:

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

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

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

8 (3) AIR FORCE RESERVE.—The number of non-
9 dual status technicians employed by the Air Force
10 Reserve as of September 30, 2011, may not exceed
11 90.

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

16 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
17 **THORIZED TO BE ON ACTIVE DUTY FOR**
18 **OPERATIONAL SUPPORT.**

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

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

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

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

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

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

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

7 **Subtitle C—Authorization of**
8 **Appropriations**

9 **SEC. 421. MILITARY PERSONNEL.**

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

14 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
15 thorization of appropriations in subsection (a) supersedes
16 any other authorization of appropriations (definite or in-
17 definite) for such purpose for fiscal year 2011.

18 **TITLE V—MILITARY PERSONNEL**
19 **POLICY**

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Ages for appointment and mandatory retirement for health profes-
sions officers.

Sec. 502. Authority for appointment of warrant officers in the grade of W-1
by commission and standardization of warrant officer appoint-
ing 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 gen-
eral and flag officer grades to wear insignia of higher grade be-
fore 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.

1 **Subtitle A—Officer Personnel**
2 **Policy Generally**

3 **SEC. 501. AGES FOR APPOINTMENT AND MANDATORY RE-**
4 **TIREMENT FOR HEALTH PROFESSIONS OFFI-**
5 **CERS.**

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

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

11 (1) ADDITIONAL CATEGORIES OF OFFICERS EL-
12 IGIBLE FOR DEFERRAL OF MANDATORY RETIRE-
13 MENT FOR AGE.—Paragraph (2) of section 1251(b)
14 of such title is amended—

15 (A) in subparagraph (B), by striking “or”
16 at the end;

17 (B) in subparagraph (C), by striking the
18 period at the end and inserting “; or”; and

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

21 “(D) an officer in a category of officers des-
22 ignated by the Secretary of the military department
23 concerned for the purposes of this paragraph as con-
24 sisting of officers whose duties consist primarily of—

25 “(i) providing health care;

1 “(ii) performing other clinical care; or

2 “(iii) performing health care-related ad-
3 ministrative duties.”.

4 (2) CONFORMING AMENDMENT.—Paragraph (1)
5 of such section is amended by striking “the officer
6 will be performing duties consisting primarily of pro-
7 viding patient care or performing other clinical du-
8 ties.” and inserting “the officer—

9 “(A) will be performing duties consisting pri-
10 marily of providing patient care or performing other
11 clinical duties; or

12 “(B) is in a category of officers designated
13 under subparagraph (D) of paragraph (2) whose du-
14 ties will consist primarily of the duties described in
15 clause (i), (ii), or (iii) of such subparagraph.”.

16 **SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OF-**
17 **FICERS IN THE GRADE OF W-1 BY COMMIS-**
18 **SION AND STANDARDIZATION OF WARRANT**
19 **OFFICER APPOINTING AUTHORITY.**

20 (a) REGULAR OFFICERS.—

21 (1) AUTHORITY FOR APPOINTMENTS BY COM-
22 MISSION IN WARRANT OFFICER W-1 GRADE.—The
23 first sentence of section 571(b) of title 10, United
24 States Code, is amended by striking “by the Sec-
25 retary concerned” and inserting “, except that with

1 respect to an armed force under the jurisdiction of
2 the Secretary of a military department, the Sec-
3 retary concerned may provide by regulation that ap-
4 pointments in that grade in that armed force shall
5 be made by commission”.

6 (2) APPOINTING AUTHORITY.—The second sen-
7 tence of such section is amended by inserting before
8 the period at the end the following: “, and appoint-
9 ments (whether by warrant or commission) in the
10 grade of regular warrant officer, W-1, shall be made
11 by the President, except that appointments in that
12 grade in the Coast Guard shall be made by the Sec-
13 retary concerned”.

14 (b) RESERVE OFFICERS.—Subsection (b) of section
15 12241 of such title is amended to read as follows:

16 “(b) Appointments in permanent reserve warrant of-
17 ficer grades shall be made in the same manner as is pre-
18 scribed for regular warrant officer grades by section
19 571(b) of this title.”.

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

1 President under section 12241(b) of title 10, United
2 States Code.

3 **SEC. 503. NONDISCLOSURE OF INFORMATION FROM DIS-**
4 **CUSSIONS, DELIBERATIONS, NOTES, AND**
5 **RECORDS OF SPECIAL SELECTION BOARDS.**

6 (a) NONDISCLOSURE OF BOARD PROCEEDINGS.—
7 Section 613a of title 10, United States Code, is amend-
8 ed—

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

11 “(a) PROHIBITION ON DISCLOSURE.—The pro-
12 ceedings of a selection board convened under section 573,
13 611, or 628 of this title may not be disclosed to any person
14 not a member of the board, except as authorized or re-
15 quired to process the report of the board. This prohibition
16 is a statutory exemption from disclosure, as described in
17 section 552(b)(3) of title 5.”;

18 (2) in subsection (b), by striking “AND
19 RECORDS” and inserting “NOTES, AND RECORDS”;
20 and

21 (3) by adding at the end the following new sub-
22 section:

23 “(c) APPLICABILITY.—This section applies to all se-
24 lection boards convened under section 573, 611, or 628

1 of this title, regardless of the date on which the board
2 was convened.”.

3 (b) REPORTS OF BOARDS.—Section 628(c)(2) of
4 such title is amended by striking “sections 576(d) and
5 576(f)” and inserting “sections 576(d), 576(f), and
6 613a”.

7 (c) RESERVE BOARDS.—Section 14104 of such title
8 is amended—

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

11 “(a) PROHIBITION ON DISCLOSURE.—The pro-
12 ceedings of a selection board convened under section
13 14101 or 14502 of this title may not be disclosed to any
14 person not a member of the board, except as authorized
15 or required to process the report of the board. This prohi-
16 bition is a statutory exemption from disclosure, as de-
17 scribed in section 552(b)(3) of title 5.”;

18 (2) in subsection (b), by striking “AND
19 RECORDS” and inserting “NOTES, AND RECORDS”;
20 and

21 (3) by adding at the end the following new sub-
22 section:

23 “(c) APPLICABILITY.—This section applies to all se-
24 lection boards convened under section 14101 or 14502 of

1 this title, regardless of the date on which the board was
2 convened.”.

3 **SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM**
4 **PROMOTION LIST.**

5 (a) ACTIVE-DUTY LIST.—Section 629 of title 10,
6 United States Code, is amended—

7 (1) by redesignating subsection (d) as sub-
8 section (e); and

9 (2) by inserting after subsection (c) the fol-
10 lowing new subsection (d):

11 “(d) ADMINISTRATIVE REMOVAL.—Under regula-
12 tions prescribed by the Secretary concerned, if an officer
13 on the active-duty list is discharged or dropped from the
14 rolls or transferred to a retired status after having been
15 recommended for promotion to a higher grade under this
16 chapter, but before being promoted, the officer’s name
17 shall be administratively removed from the list of officers
18 recommended for promotion by a selection board.”.

19 (b) RESERVE ACTIVE-STATUS LIST.—Section 14310
20 of such title is amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e); and

23 (2) by inserting after subsection (c) the fol-
24 lowing new subsection (d):

1 “(d) ADMINISTRATIVE REMOVAL.—Under regula-
2 tions prescribed by the Secretary concerned, if an officer
3 on the reserve active-status list is discharged or dropped
4 from the rolls or transferred to a retired status after hav-
5 ing been recommended for promotion to a higher grade
6 under this chapter or having been found qualified for Fed-
7 eral recognition in the higher grade under title 32, but
8 before being promoted, the officer’s name shall be admin-
9 istratively removed from the list of officers recommended
10 for promotion by a selection board.”.

11 **SEC. 505. MODIFICATION OF AUTHORITY FOR OFFICERS SE-**
12 **LECTED FOR APPOINTMENT TO GENERAL**
13 **AND FLAG OFFICER GRADES TO WEAR INSIG-**
14 **NIA OF HIGHER GRADE BEFORE APPOINT-**
15 **MENT.**

16 (a) LIMITED AUTHORITY FOR OFFICERS SELECTED
17 FOR APPOINTMENT TO GRADES ABOVE MAJOR GENERAL
18 AND REAR ADMIRAL.—

19 (1) IN GENERAL.—Chapter 45 of title 10,
20 United States Code, is amended by adding at the
21 end the following new section:

1 **“§ 777a. Wearing of insignia of higher grade before**
2 **appointment to a grade above major gen-**
3 **eral or rear admiral (frocking): authority;**
4 **restrictions**

5 “(a) **AUTHORITY.**—An officer serving in a grade
6 below the grade of lieutenant general or, in the case of
7 the Navy, vice admiral, who has been selected for appoint-
8 ment to the grade of lieutenant general or general, or, in
9 the case of the Navy, vice admiral or admiral, and an offi-
10 cer serving in the grade of lieutenant general or vice admi-
11 ral who has been selected for appointment to the grade
12 of general or admiral, may be authorized, under regula-
13 tions and policies of the Department of Defense and sub-
14 ject to subsection (b), to wear the insignia for that higher
15 grade for a period of up to 14 days before assuming the
16 duties of a position for which the higher grade is author-
17 ized. An officer who is so authorized to wear the insignia
18 of a higher grade is said to be ‘frocked’ to that grade.

19 “(b) **RESTRICTIONS.**—An officer may not be author-
20 ized to wear the insignia for a grade as described in sub-
21 section (a) unless—

22 “(1) the Senate has given its advice and con-
23 sent to the appointment of the officer to that grade;

24 “(2) the officer has received orders to serve in
25 a position outside the military department of that
26 officer for which that grade is authorized;

1 “(3) the Secretary of Defense (or a civilian offi-
2 cer within the Office of the Secretary of Defense
3 whose appointment was made with the advice and
4 consent of the Senate and to whom the Secretary
5 delegates such approval authority) has given ap-
6 proval for the officer to wear the insignia for that
7 grade before assuming the duties of a position for
8 which that grade is authorized; and

9 “(4) the Secretary of Defense has submitted to
10 Congress a written notification of the intent to au-
11 thorize the officer to wear the insignia for that
12 grade.

13 “(c) BENEFITS NOT TO BE CONSTRUED AS ACCRU-
14 ING.—(1) Authority provided to an officer as described in
15 subsection (a) to wear the insignia of a higher grade may
16 not be construed as conferring authority for that officer
17 to—

18 “(A) be paid the rate of pay provided for an of-
19 ficer in that grade having the same number of years
20 of service as that officer; or

21 “(B) assume any legal authority associated with
22 that grade.

23 “(2) The period for which an officer wears the insig-
24 nia of a higher grade under such authority may not be
25 taken into account for any of the following purposes:

1 “(A) Seniority in that grade.

2 “(B) Time of service in that grade.

3 “(d) LIMITATION ON NUMBER OF OFFICERS
4 FROCKED.—The total number of officers who are author-
5 ized to wear the insignia for a higher grade under this
6 section shall count against the limitation in section 777(d)
7 of this title on the total number of officers authorized to
8 wear the insignia of a higher grade.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 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; restric-
tions.”.

12 (b) REPEAL OF WAITING PERIOD FOLLOWING CON-
13 GRESSIONAL NOTIFICATION FOR OFFICERS SELECTED
14 FOR APPOINTMENT TO GENERAL AND FLAG OFFICER
15 GRADES BELOW LIEUTENANT GENERAL AND VICE ADMI-
16 RAL.—Section 777(b)(3)(B) of such title is amended by
17 striking “and a period of 30 days has elapsed after the
18 date of the notification”.

19 **SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM**
20 **LENGTH OF ACTIVE SERVICE AS A COMMIS-**
21 **SIONED OFFICER REQUIRED FOR VOL-**
22 **UNTARY RETIREMENT AS AN OFFICER.**

23 (a) ARMY.—Section 3911(b)(2) of title 10, United
24 States Code, is amended by striking “January 6, 2006,

1 and ending on December 31, 2008” and inserting “the
2 date of the enactment of the Ike Skelton National Defense
3 Authorization Act for Fiscal Year 2011 and ending on
4 September 30, 2013”.

5 (b) NAVY AND MARINE CORPS.—Section
6 6323(a)(2)(B) of such title is amended by striking “Janu-
7 ary 6, 2006, and ending on December 31, 2008” and in-
8 serting “the date of the enactment of the Ike Skelton Na-
9 tional Defense Authorization Act for Fiscal Year 2011 and
10 ending on September 30, 2013”.

11 (c) AIR FORCE.—Section 8911(b)(2) of such title is
12 amended by striking “January 6, 2006, and ending on De-
13 cember 31, 2008” and inserting “the date of the enact-
14 ment of the Ike Skelton National Defense Authorization
15 Act for Fiscal Year 2011 and ending on September 30,
16 2013”.

17 **Subtitle B—Reserve Component** 18 **Management**

19 **SEC. 511. REMOVAL OF STATUTORY DISTRIBUTION LIMITS** 20 **ON NAVY RESERVE FLAG OFFICER ALLOCA-** 21 **TION.**

22 Section 12004(c) of title 10, United States Code, is
23 amended—

24 (1) by striking paragraphs (2), (3), and (5);
25 and

1 (2) by redesignating paragraph (4) as para-
2 graph (2).

3 **SEC. 512. ASSIGNMENT OF AIR FORCE RESERVE MILITARY**
4 **TECHNICIANS (DUAL STATUS) TO POSITIONS**
5 **OUTSIDE AIR FORCE RESERVE UNIT PRO-**
6 **GRAM.**

7 Section 10216(d) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(3) Paragraph (1) does not apply to a military tech-
11 nician (dual status) who is employed by the Air Force Re-
12 serve in an area other than the Air Force Reserve unit
13 program, except that not more than 50 of such technicians
14 may be assigned outside of the unit program at the same
15 time.”.

16 **SEC. 513. TEMPORARY AUTHORITY FOR TEMPORARY EM-**
17 **PLOYMENT OF NON-DUAL STATUS MILITARY**
18 **TECHNICIANS.**

19 (a) EXCEPTION FOR TEMPORARY EMPLOYMENT.—
20 Section 10217 of title 10, United States Code, is amend-
21 ed—

22 (1) in subsection (a)—

23 (A) by striking “or” at the end of para-
24 graph (1);

1 (B) by striking the period at the end of
2 paragraph (2) and inserting “; or”; and

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

5 “(3) is hired as a temporary employee pursuant
6 to the exception for temporary employment provided
7 by subsection (d) and subject to the terms and con-
8 ditions of such subsection.”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—

12 (1) Notwithstanding section 10218 of this title, the Sec-
13 retary of the Army or the Secretary of the Air Force may
14 employ, for a period not to exceed two years, a person
15 to fill a vacancy created by the mobilization of a military
16 technician (dual status) occupying a position under section
17 10216 of this title.

18 “(2) The duration of the temporary employment of
19 a person in a military technician position under this sub-
20 section may not exceed the shorter of the following:

21 “(A) The period of mobilization of the military
22 technician (dual status) whose vacancy is being filled
23 by the temporary employee.

24 “(B) Two years.

1 “(3) No person may be hired under the authority of
2 this subsection after the end of the 2-year period begin-
3 ning on the date of the enactment of this subsection.”.

4 (b) EXCEPTION FROM PERMANENT LIMITATION ON
5 NUMBER OF NON-DUAL STATUS TECHNICIANS.—Sub-
6 section (c) of such section is amended by adding at the
7 end the following new paragraph:

8 “(3) An individual employed as a non-dual status
9 technician as described in subsection (a)(3) shall not be
10 consider a non-dual status technician for purposes of para-
11 graphs (1) and (2).”.

12 **SEC. 514. REVISION OF STRUCTURE AND FUNCTIONS OF**
13 **THE RESERVE FORCES POLICY BOARD.**

14 (a) REVISION OF STRUCTURE.—

15 (1) IN GENERAL.—Section 10301 of title 10,
16 United States Code, is amended to read as follows:

17 **“§ 10301. Reserve Forces Policy Board**

18 “(a) IN GENERAL.—As provided in section 175 of
19 this title, there is in the Office of the Secretary of Defense
20 a board known as the ‘Reserve Forces Policy Board’ (in
21 this section referred to as the ‘Board’).

22 “(b) FUNCTIONS.—The Board shall serve as an inde-
23 pendent adviser to the Secretary of Defense to provide ad-
24 vice and recommendations to the Secretary on strategies,
25 policies, and practices designed to improve and enhance

1 the capabilities, efficiency, and effectiveness of the reserve
2 components.

3 “(c) MEMBERSHIP.—The Board consists of 20 mem-
4 bers, appointed or designated as follows:

5 “(1) A civilian appointed by the Secretary of
6 Defense from among persons determined by the Sec-
7 retary to have the knowledge of, and experience in,
8 policy matters relevant to national security and re-
9 serve component matters necessary to carry out the
10 duties of chair of the Board, who shall serve as chair
11 of the Board.

12 “(2) Two active or retired reserve officers or
13 enlisted members designated by the Secretary of De-
14 fense upon the recommendation of the Secretary of
15 the Army—

16 “(A) one of whom shall be a member of
17 the Army National Guard of the United States
18 or a former member of the Army National
19 Guard of the United States in the Retired Re-
20 serve; and

21 “(B) one of whom shall be a member or re-
22 tired member of the Army Reserve.

23 “(3) Two active or retired reserve officers or
24 enlisted members designated by the Secretary of De-

1 fense upon the recommendation of the Secretary of
2 the Navy—

3 “(A) one of whom shall be an active or re-
4 tired officer of the Navy Reserve; and

5 “(B) one of whom shall be an active or re-
6 tired officer of the Marine Corps Reserve.

7 “(4) Two active or retired reserve officers or
8 enlisted members designated by the Secretary of De-
9 fense upon the recommendation of the Secretary of
10 the Air Force—

11 “(A) one of whom shall be a member of
12 the Air National Guard of the United States or
13 a former member of the Air National Guard of
14 the United States in the Retired Reserve; and

15 “(B) one of whom shall be a member or re-
16 tired member of the Air Force Reserve.

17 “(5) One active or retired reserve officer or en-
18 listed member of the Coast Guard designated by the
19 Secretary of Homeland Security.

20 “(6) Ten persons appointed or designated by
21 the Secretary of Defense, each of whom shall be a
22 United States citizen having significant knowledge of
23 and experience in policy matters relevant to national
24 security and reserve component matters and shall be
25 one of the following:

1 “(A) An individual not employed in any
2 Federal or State department or agency.

3 “(B) An individual employed by a Federal
4 or State department or agency.

5 “(C) An officer of a regular component of
6 the armed forces on active duty, or an officer
7 of a reserve component of the armed forces in
8 an active status, who—

9 “(i) is serving or has served in a sen-
10 ior position on the Joint Staff, the head-
11 quarters staff of a combatant command, or
12 the headquarters staff of an armed force;
13 and

14 “(ii) has experience in joint profes-
15 sional military education, joint qualifica-
16 tion, and joint operations matters.

17 “(7) A reserve officer of the Army, Navy, Air
18 Force, or Marine Corps who is a general or flag offi-
19 cer recommended by the chair and designated by the
20 Secretary of Defense, who shall serve without vote—

21 “(A) as military adviser to the chair;

22 “(B) as military executive officer of the
23 Board; and

24 “(C) as supervisor of the operations and
25 staff of the Board.

1 “(8) A senior enlisted member of a reserve com-
2 ponent recommended by the chair and designated by
3 the Secretary of Defense, who shall serve without
4 vote as enlisted military adviser to the chair.

5 “(d) MATTERS TO BE ACTED ON.—The Board may
6 act on those matters referred to it by the chair and on
7 any matter raised by a member of the Board or the Sec-
8 retary of Defense.

9 “(e) STAFF.—The Board shall be supported by a
10 staff consisting of one full-time officer from each of the
11 reserve components listed in paragraphs (1) through (6)
12 of section 10101 of this title who holds the grade of colonel
13 (or in the case of the Navy, the grade of captain) or who
14 has been selected for promotion to that grade. These offi-
15 cers shall also serve as liaisons between their respective
16 components and the Board. They shall perform their staff
17 and liaison duties under the supervision of the military
18 executive officer of the Board in an independent manner
19 reflecting the independent nature of the Board.

20 “(f) RELATIONSHIP TO SERVICE RESERVE POLICY
21 COMMITTEES AND BOARDS.—This section does not affect
22 the committees and boards prescribed within the military
23 departments by sections 10302 through 10305 of this
24 title, and a member of such a committee or board may,
25 if otherwise eligible, be a member of the Board.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect on July 1, 2011.

3 (b) REVISION TO ANNUAL REPORT REQUIREMENT.—
4 Section 113(c)(2) of title 10, United States Code, is
5 amended by striking “the reserve programs of the Depart-
6 ment of Defense and on any other matters” and inserting
7 “on any reserve component matter”.

8 **SEC. 515. REPEAL OF REQUIREMENT FOR NEW OATH WHEN**
9 **OFFICER TRANSFERS FROM ACTIVE-DUTY**
10 **LIST TO RESERVE ACTIVE-STATUS LIST.**

11 Section 12201(a)(2) of title 10, United States Code,
12 is amended by striking “An officer transferred from the
13 active-duty list of an armed force to a reserve active-status
14 list of an armed force under section 647 of this title” and
15 inserting “If an officer is transferred from the active-duty
16 list of an armed force to a reserve active-status list of an
17 armed force in accordance with regulations prescribed by
18 the Secretary of Defense, the officer”.

19 **SEC. 516. LEAVE OF MEMBERS OF THE RESERVE COMPO-**
20 **NENTS OF THE ARMED FORCES.**

21 (a) CARRYOVER OF ACCUMULATED LEAVE TO SUC-
22 CEEDING PERIOD OF ACTIVE SERVICE.—Section 701 of
23 title 10, United States Code, is amended by adding at the
24 end the following new subsection:

1 “(k) A member of a reserve component who accumu-
2 lates leave during a period of active service may carry over
3 any leave so accumulated to the member’s next period of
4 active service, subject to the accumulation limits in sub-
5 sections (b), (d), and (f), without regard to separation or
6 release from active service if the separation or release is
7 under honorable conditions. The taking of leave carried
8 over under this subsection shall be subject to the provi-
9 sions of this section.”.

10 (b) PAYMENT FOR UNUSED ACCRUED LEAVE.—Sec-
11 tion 501(a) of title 37, United States Code, is amended—

12 (1) in paragraph (2), by striking “and” at the
13 end;

14 (2) in paragraph (3), by striking the period at
15 the end and inserting a semicolon; and

16 (3) by adding at the end the following new
17 paragraphs:

18 “(4) in the case of an officer or an enlisted
19 member of a reserve component who is not serving
20 on active duty, separation or release from the re-
21 serve component under honorable conditions, or
22 death; and

23 “(5) in the case of an enlisted member of a re-
24 serve a component who is not serving on active duty,
25 termination of enlistment in conjunction with the

1 commencement of a successive enlistment, or ap-
2 pointment as an officer.”.

3 **SEC. 517. DIRECT APPOINTMENT OF GRADUATES OF THE**
4 **UNITED STATES MERCHANT MARINE ACAD-**
5 **EMY INTO THE NATIONAL GUARD.**

6 Section 305(a)(5) of title 32, United States Code, is
7 amended by striking “or the United States Coast Guard
8 Academy” and inserting “the United States Coast Guard
9 Academy, or the United States Merchant Marine Acad-
10 emy”.

11 **Subtitle C—Joint Qualified Officers**
12 **and Requirements**

13 **SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT**
14 **MATTERS FOR PURPOSES OF JOINT OFFICER**
15 **MANAGEMENT.**

16 Section 668(a) of title 10, United States Code, is
17 amended—

18 (1) in paragraph (1)—

19 (A) by striking “multiple” in the matter
20 preceding subparagraph (A) and inserting “in-
21 tegrated”; and

22 (B) by striking “and” at the end of the
23 subparagraph (D) and inserting “or”; and

24 (2) by striking paragraph (2) and inserting the
25 following new paragraph:

1 “(2) In the context of joint matters, the term ‘inte-
2 grated military forces’ refers to military forces that are
3 involved in the planning or execution (or both) of oper-
4 ations involving participants from—

5 “(A) more than one military department; or

6 “(B) a military department and one or more of
7 the following:

8 “(i) Other departments and agencies of the
9 United States.

10 “(ii) The military forces or agencies of
11 other countries.

12 “(iii) Non-governmental persons or enti-
13 ties.”.

14 **SEC. 522. MODIFICATION OF PROMOTION BOARD PROCE-**
15 **DURES FOR JOINT QUALIFIED OFFICERS AND**
16 **OFFICERS WITH JOINT STAFF EXPERIENCE.**

17 (a) BOARD COMPOSITION.—Subsection (c) of section
18 612 of title 10, United States Code, is amended to read
19 as follows:

20 “(c)(1) Each selection board convened under section
21 611(a) of this title that will consider an officer described
22 in paragraph (2) shall include at least one officer des-
23 ignated by the Chairman of the Joint Chiefs of Staff who
24 is a joint qualified officer.

1 “(2) Paragraph (1) applies with respect to an officer
2 who—

3 “(A) is serving on, or has served on, the Joint
4 Staff; or

5 “(B) is a joint qualified officer.

6 “(3) The Secretary of Defense may waive the require-
7 ment in paragraph (1) in the case of—

8 “(A) any selection board of the Marine Corps;
9 or

10 “(B) any selection board that is considering of-
11 ficers in specialties identified in paragraph (2) or (3)
12 of section 619a(b) of this title.”.

13 (b) INFORMATION FURNISHED TO SELECTION
14 BOARDS.—Section 615 of such title is amended in sub-
15 sections (b)(5) and (c) by striking “in joint duty assign-
16 ments of officers who are serving, or have served, in such
17 assignments” and inserting “of officers who are serving
18 on, or have served on, the Joint Staff or are joint qualified
19 officers”.

20 (c) ACTION ON REPORT OF SELECTION BOARDS.—
21 Section 618(b) of such title is amended—

22 (1) in paragraph (1), by striking “are serving,
23 or have served, in joint duty assignments” and in-
24 serting “are serving on, or have served on, the Joint
25 Staff or are joint qualified officers”;

1 (2) in subparagraphs (A) and (B) of paragraph
2 (2), by striking “in joint duty assignments of offi-
3 cers who are serving, or have served, in such assign-
4 ments” and inserting “of officers who are serving
5 on, or have served on, the Joint Staff or are joint
6 qualified officers”; and

7 (3) in paragraph (4), by striking “in joint duty
8 assignments” and inserting “who are serving on, or
9 have served on, the Joint Staff or are joint qualified
10 officers”.

11 **Subtitle D—General Service** 12 **Authorities**

13 **SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO** 14 **ORDER RETIRED MEMBERS OF THE ARMED** 15 **FORCES TO ACTIVE DUTY IN HIGH-DEMAND,** 16 **LOW-DENSITY ASSIGNMENTS.**

17 (a) EXTENSION OF AUTHORITY.—Section 688a(f) of
18 title 10, United States Code, is amended by striking “De-
19 cember 31, 2010” and inserting “December 31, 2011”.

20 (b) REPORT REQUIRED.—Not later than April 1,
21 2011, the Secretary of Defense shall submit to the Com-
22 mittees on Armed Services of the Senate and the House
23 of Representatives a report containing an assessment by
24 the Secretary of the need to extend the authority provided
25 by section 688a of title 10, United States Code, beyond

1 December 31, 2011. The report shall include, at a min-
2 imum, the following:

3 (1) A list of the current types of high-demand,
4 low-density capabilities (as defined in such section)
5 for which the authority is being used to address
6 operational requirements.

7 (2) For each high-demand, low-density capa-
8 bility included in the list under paragraph (1), the
9 number of retired members of the Armed Forces
10 who have served on active duty at any time during
11 each of fiscal years 2007 through 2010 under the
12 authority.

13 (3) A plan to increase the required active duty
14 strength for the high-demand, low-density capabili-
15 ties included in the list under paragraph (1) to
16 eliminate the need to use the authority.

17 **SEC. 532. NON-CHARGEABLE REST AND RECUPERATION AB-**
18 **SENCE FOR CERTAIN MEMBERS UNDER-**
19 **GOING EXTENDED DEPLOYMENT TO A COM-**
20 **BAT ZONE.**

21 (a) IN GENERAL.—Chapter 40 of title 10, United
22 States Code, is amended by inserting after section 705 the
23 following new section:

1 **“§ 705a. Rest and recuperation absence: certain mem-**
2 **bers undergoing extended deployment to**
3 **a combat zone**

4 “(a) REST AND RECUPERATION AUTHORIZED.—
5 Under regulations prescribed by the Secretary of Defense,
6 the Secretary concerned may provide a member of the
7 armed forces described in subsection (b) the benefits de-
8 scribed in subsection (c).

9 “(b) COVERED MEMBERS.—A member of the armed
10 forces described in this subsection is any member who—

11 “(1) is assigned or deployed for at least 270
12 days in an area or location—

13 “(A) that is designated by the President as
14 a combat zone; and

15 “(B) in which hardship duty pay is author-
16 ized to be paid under section 305 of title 37;
17 and

18 “(2) meets such other criteria as the Secretary
19 of Defense may prescribe in the regulations required
20 by subsection (a).

21 “(c) BENEFITS.—The benefits described in this sub-
22 section are the following:

23 “(1) A period of rest and recuperation absence
24 for not more than 15 days.

25 “(2) Round-trip transportation at Government
26 expense from the area or location in which the mem-

1 ber is serving in connection with the exercise of the
2 period of rest and recuperation.

3 “(d) CONSTRUCTION WITH OTHER LEAVE.—Any
4 benefits provided a member under this section are in addi-
5 tion to any other leave or absence to which the member
6 may be entitled.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 705 the following new
10 item:

 “705a. Rest and recuperation absence: certain members undergoing extended de-
 ployment to a combat zone.”.

11 **SEC. 533. CORRECTION OF MILITARY RECORDS.**

12 (a) MEMBERS ELIGIBLE TO REQUEST REVIEW OF
13 RETIREMENT OR SEPARATION WITHOUT PAY FOR PHYS-
14 ICAL DISABILITY.—Section 1554(a) of title 10, United
15 States Code, is amended—

16 (1) by striking “an officer” and inserting “a
17 member or former member of the uniformed serv-
18 ices”; and

19 (2) by striking “his case” and inserting “the
20 member’s case”.

21 (b) LIMITATION ON REDUCTION IN PERSONNEL AS-
22 SIGNED TO DUTY WITH SERVICE REVIEW AGENCY.—
23 1559(a) of such title is amended by striking “December
24 31, 2010” and inserting “December 31, 2013”.

1 **SEC. 534. DISPOSITION OF MEMBERS FOUND TO BE FIT**
2 **FOR DUTY WHO ARE NOT SUITABLE FOR DE-**
3 **PLOYMENT OR WORLDWIDE ASSIGNMENT**
4 **FOR MEDICAL REASONS.**

5 (a) DISPOSITION.—

6 (1) IN GENERAL.—Chapter 61 of title 10,
7 United States Code, is amended by inserting after
8 section 1214 the following new section:

9 **“§ 1214a. Members determined fit for duty in Phys-**
10 **ical Evaluation Board evaluation: prohi-**
11 **bition on involuntary administrative sep-**
12 **aration due to unsuitability based on**
13 **medical conditions considered in evalua-**
14 **tion**

15 “(a) DISPOSITION.—Except as provided in subsection
16 (c), the Secretary of the military department concerned
17 may not authorize the involuntary administrative separa-
18 tion of a member described in subsection (b) based on a
19 determination that the member is unsuitable for deploy-
20 ment or worldwide assignment based on the same medical
21 condition of the member considered by a Physical Evalua-
22 tion Board during the evaluation of the member.

23 “(b) COVERED MEMBERS.—A member covered by
24 subsection (a) is any member of the armed forces who has
25 been determined by a Physical Evaluation Board pursuant
26 to a physical evaluation by the board to be fit for duty.

1 “(c) REEVALUATION.—(1) The Secretary of the mili-
2 tary department concerned may direct the Physical Eval-
3 uation Board to reevaluate any member described in sub-
4 section (b) if the Secretary has reason to believe that a
5 medical condition of the member considered by the Phys-
6 ical Evaluation Board during the evaluation of the mem-
7 ber described in that subsection renders the member un-
8 suitable for continued military service based on the med-
9 ical condition.

10 “(2) A member determined pursuant to reevaluation
11 under paragraph (1) to be unfit to perform the duties of
12 the member’s office, grade, rank, or rating may be retired
13 or separated for physical disability under this chapter.

14 “(3) The Secretary of Defense shall be the final ap-
15 proval authority for any case determined by the Secretary
16 of a military department to warrant administrative sepa-
17 ration based on a determination that the member is un-
18 suitable for continued service due to the same medical con-
19 dition of the member considered by a Physical Evaluation
20 Board that found the member fit for duty.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 61 of such title is
23 amended by inserting after the item relating to sec-
24 tion 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.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act, and shall apply with respect to members
4 evaluated for fitness for duty by Physical Evaluation
5 Boards on or after that date.

6 **SEC. 535. REVIEW OF LAWS, POLICIES, AND REGULATIONS**
7 **RESTRICTING SERVICE OF FEMALE MEM-**
8 **BERS OF THE ARMED FORCES.**

9 (a) REVIEW REQUIRED.—The Secretary of Defense,
10 in coordination with the Secretaries of the military depart-
11 ments, shall conduct a review of laws, policies, and regula-
12 tions, including the collocation policy, that may restrict
13 the service of female members of the Armed Forces to de-
14 termine whether changes in such laws, policies, and regu-
15 lations are needed to ensure that female members have
16 an equitable opportunity to compete and excel in the
17 Armed Forces.

18 (b) SUBMISSION OF RESULTS.—Not later than April
19 15, 2011, the Secretary of Defense shall submit to the
20 congressional defense committees a report containing the
21 results of the review.

1 **Subtitle E—Military Justice and**
 2 **Legal Matters**

3 **SEC. 541. CONTINUATION OF WARRANT OFFICERS ON AC-**
 4 **TIVE DUTY TO COMPLETE DISCIPLINARY AC-**
 5 **TION.**

6 Section 580 of title 10, United States Code, is
 7 amended by adding at the end the following new sub-
 8 section:

9 “(f) A warrant officer subject to discharge or retire-
 10 ment under this section, but against whom any action has
 11 been commenced with a view to trying the officer by court-
 12 martial, may be continued on active duty, without preju-
 13 dice to such action, until the completion of such action.”.

14 **SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN**
 15 **MILITARY JUSTICE PROCEEDINGS.**

16 (a) IN GENERAL.—Section 848 of title 10, United
 17 States Code (article 48 of the Uniform Code of Military
 18 Justice), is amended to read as follows:

19 **“§ 848. Art. 48. Contempts**

20 “(a) AUTHORITY TO PUNISH CONTEMPT.—A judge
 21 detailed to a court-martial, a court of inquiry, the United
 22 States Court of Appeals for the Armed Forces, a military
 23 Court of Criminal Appeals, a provost court, or a military
 24 commission may punish for contempt any person who—

1 “(1) uses any menacing word, sign, or gesture
2 in the presence of the judge during the proceedings
3 of the court-martial, court, or military commission;

4 “(2) disturbs the proceedings of the court-mar-
5 tial, court, or military commission by any riot or dis-
6 order; or

7 “(3) willfully disobeys the lawful writ, process,
8 order, rule, decree, or command of the court-martial,
9 court, or military commission.

10 “(b) PUNISHMENT.—The punishment for contempt
11 under subsection (a) may not exceed confinement for 30
12 days, a fine of \$1,000, or both.

13 “(c) INAPPLICABILITY TO MILITARY COMMISSIONS
14 UNDER CHAPTER 47A.—This section does not apply to
15 a military commission established under chapter 47A of
16 this title.”.

17 (b) EFFECTIVE DATE.—Section 848 of title 10,
18 United States Code (article 48 of the Uniform Code of
19 Military Justice), as amended by subsection (a), shall
20 apply with respect to acts of contempt committed after
21 the date of the enactment of this Act.

22 **SEC. 543. IMPROVEMENTS TO DEPARTMENT OF DEFENSE**
23 **DOMESTIC VIOLENCE PROGRAMS.**

24 (a) IMPLEMENTATION OF OUTSTANDING COMP-
25 TROLLER GENERAL RECOMMENDATIONS.—Consistent

1 with the recommendations contained in the report of the
2 Comptroller General of the United States titled “Status
3 of Implementation of GAO’s 2006 Recommendations on
4 the Department of Defense’s Domestic Violence Program”
5 (GAO–10–577R), the Secretary of Defense shall complete,
6 not later than one year after the date of enactment of this
7 Act, implementation of actions to address the following
8 recommendations:

9 (1) DEFENSE INCIDENT-BASED REPORTING
10 SYSTEM.—The Secretary of Defense shall develop a
11 comprehensive management plan to address defi-
12 ciencies in the data captured in the Defense Inci-
13 dent-Based Reporting System to ensure the system
14 can provide an accurate count of domestic violence
15 incidents, and any consequent disciplinary action,
16 that are reported throughout the Department of De-
17 fense.

18 (2) ADEQUATE PERSONNEL.—The Secretary of
19 Defense shall develop a plan to ensure that adequate
20 personnel are available to implement recommenda-
21 tions made by the Defense Task Force on Domestic
22 Violence.

23 (3) DOMESTIC VIOLENCE TRAINING DATA FOR
24 CHAPLAINS.—The Secretary of Defense shall develop

1 a plan to collect domestic violence training data for
2 chaplains.

3 (4) OVERSIGHT FRAMEWORK.—The Secretary
4 of Defense shall develop an oversight framework for
5 Department of Defense domestic violence programs,
6 to include oversight of implementation of rec-
7 ommendations made by the Defense Task Force on
8 Domestic Violence, including budgeting, communica-
9 tion initiatives, and policy compliance.

10 (b) IMPLEMENTATION REPORT.—The Secretary of
11 Defense shall submit to the congressional defense commit-
12 tees an implementation report within 90 days of the com-
13 pletion of actions outlined in subsection (a).

14 **Subtitle F—Member Education and**
15 **Training Opportunities and Ad-**
16 **ministration**

17 **SEC. 551. ENHANCEMENTS OF DEPARTMENT OF DEFENSE**
18 **UNDERGRADUATE NURSE TRAINING PRO-**
19 **GRAM.**

20 (a) CLARIFICATION OF DEGREE COVERED BY PRO-
21 GRAM.—Subsection (a) of section 2016 of title 10, United
22 States Code, is amended by striking “a nursing degree”
23 and inserting “a bachelor of science degree in nursing”.

1 (b) GRADUATION RATES OF TRAINING PROGRAMS.—
2 Subsection (b) of such section is amended by inserting “in
3 nursing” after “bachelor of science degree”.

4 (c) LOCATION OF PROGRAMS.—Subsection (d) of
5 such section is amended to read as follows:

6 “(d) LOCATION OF PROGRAMS.—(1) An academic in-
7 stitution selected to operate an undergraduate nurse train-
8 ing program shall establish the program at or near a mili-
9 tary installation that has a military treatment facility des-
10 igned as a medical center with inpatient capability and
11 multiple graduate medical education programs located on
12 the installation or within reasonable proximity to the in-
13 stallation.

14 “(2) Before approving a location as the site of an un-
15 dergraduate nurse training program, the Secretary of De-
16 fense shall conduct an assessment to ensure that the es-
17 tablishment of the program at that location will not ad-
18 versely impact or displace existing nurse training pro-
19 grams, either conducted by the Department of Defense or
20 by a civilian entity, at the location.”.

21 (d) PILOT PROGRAM.—

22 (1) IMPLEMENTATION.—Paragraph (2) of sec-
23 tion 525(d) of the National Defense Authorization
24 Act for Fiscal Year 2010 (Public Law 111–84; 123
25 Stat. 2287; 10 U.S.C. 2016 note) is amended by

1 striking “July 1, 2011” and inserting “December
2 31, 2011”.

3 (2) GRADUATION RATES.—Paragraph (3) of
4 such section is amended—

5 (A) by striking the “The pilot program
6 shall achieve” and inserting “The goal of the
7 pilot program is to achieve”; and

8 (B) by striking “nurse training program”
9 and inserting “nurse training programs”.

10 **SEC. 552. REPAYMENT OF EDUCATION LOAN REPAYMENT**
11 **BENEFITS.**

12 (a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECI-
13 FIED MILITARY SPECIALTIES.—Section 2171 of title 10,
14 United States Code, is amended by adding at the end the
15 following new subsections:

16 “(g) Except a person described in subsection (e) who
17 transfers to service making the person eligible for repay-
18 ment of loans under section 16301 of this title, a member
19 of the armed forces who fails to complete the period of
20 service required to qualify for loan repayment under this
21 section shall be subject to the repayment provisions of sec-
22 tion 303a(e) of title 37.

23 “(h) The Secretary of Defense may prescribe, by reg-
24 ulations, procedures for implementing this section, includ-
25 ing standards for qualified loans and authorized payees

1 and other terms and conditions for making loan repay-
2 ments. Such regulations may include exceptions that
3 would allow for the payment as a lump sum of any loan
4 repayment due to a member under a written agreement
5 that existed at the time of a member's death or dis-
6 ability.”.

7 (b) MEMBERS OF SELECTED RESERVE.—Section
8 16301 of such title is amended by adding at the end the
9 following new subsections:

10 “(h) Except a person described in subsection (e) who
11 transfers to service making the person eligible for repay-
12 ment of loans under section 2171 of this title, a member
13 of the armed forces who fails to complete the period of
14 service required to qualify for loan repayment under this
15 section shall be subject to the repayment provisions of sec-
16 tion 303a(e) of title 37.

17 “(i) The Secretary of Defense may prescribe, by regu-
18 lations, procedures for implementing this section, includ-
19 ing standards for qualified loans and authorized payees
20 and other terms and conditions for making loan repay-
21 ments. Such regulations may include exceptions that
22 would allow for the payment as a lump sum of any loan
23 repayment due to a member under a written agreement
24 that existed at the time of a member's death or dis-
25 ability.”.

1 **SEC. 553. PARTICIPATION OF ARMED FORCES HEALTH PRO-**
2 **FESSIONS SCHOLARSHIP AND FINANCIAL AS-**
3 **SISTANCE PROGRAM RECIPIENTS IN ACTIVE**
4 **DUTY HEALTH PROFESSION LOAN REPAY-**
5 **MENT PROGRAM.**

6 Section 2173(c) of title 10, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(4) The person is enrolled in the Armed
10 Forces Health Professions Scholarship and Finan-
11 cial Assistance Program under subchapter I of chap-
12 ter 105 of this title for a number of years less than
13 is required to complete the normal length of the
14 course of study required for the health profession
15 concerned.”.

16 **SEC. 554. ACTIVE DUTY OBLIGATION FOR MILITARY ACAD-**
17 **EMY GRADUATES WHO PARTICIPATE IN THE**
18 **ARMED FORCES HEALTH PROFESSIONS**
19 **SCHOLARSHIP AND FINANCIAL ASSISTANCE**
20 **PROGRAM.**

21 (a) **MILITARY ACADEMY GRADUATES.**—Section
22 4348(a) of title 10, United States Code, is amended by
23 adding at the end the following new paragraph:

24 “(4) That if an appointment described in para-
25 graph (2) or (3) is tendered and the cadet partici-
26 pates in a program under section 2121 of this title,

1 the cadet will fulfill any unserved obligation incurred
2 under this section on active duty, regardless of the
3 type of appointment held, upon completion of, and
4 in addition to, any service obligation incurred under
5 section 2123 of this title for participation in such
6 program.”.

7 (b) NAVAL ACADEMY GRADUATES.—Section 6959(a)
8 of such title is amended by adding at the end the following
9 new paragraph:

10 “(4) That if an appointment described in para-
11 graph (2) or (3) is tendered and the midshipman
12 participates in a program under section 2121 of this
13 title, the midshipman will fulfill any unserved obliga-
14 tion incurred under this section on active duty, re-
15 gardless of the type of appointment held, upon com-
16 pletion of, and in addition to, any service obligation
17 incurred under section 2123 of this title for partici-
18 pation in such program.”.

19 (c) AIR FORCE ACADEMY GRADUATES.—Section
20 9348(a) of such title is amended by adding at the end
21 the following new paragraph:

22 “(4) That if an appointment described in para-
23 graph (2) or (3) is tendered and the cadet partici-
24 pates in a program under section 2121 of this title,
25 the cadet will fulfill any unserved obligation incurred

1 under this section on active duty, regardless of the
2 type of appointment held, upon completion of, and
3 in addition to, any service obligation incurred under
4 section 2123 of this title for participation in such
5 program.”.

6 **Subtitle G—Defense Dependents’**
7 **Education**

8 **SEC. 561. ENROLLMENT OF DEPENDENTS OF MEMBERS OF**
9 **THE ARMED FORCES WHO RESIDE IN TEM-**
10 **PORARY HOUSING IN DEPARTMENT OF DE-**
11 **FENSE DOMESTIC DEPENDENT ELEMENTARY**
12 **AND SECONDARY SCHOOLS.**

13 Section 2164(a) of title 10, United States Code, is
14 amended by adding at the end the following new para-
15 graph:

16 “(3)(A) Under the circumstances described in sub-
17 paragraph (B), the Secretary may, at the discretion of the
18 Secretary, permit a dependent of a member of the armed
19 forces to enroll in an educational program provided by the
20 Secretary pursuant to this subsection without regard to
21 the requirement in paragraph (1) with respect to residence
22 on a military installation.

23 “(B) Subparagraph (A) applies only if—

1 “(i) the dependents reside in temporary housing
2 (regardless of whether the temporary housing is on
3 Federal property)—

4 “(I) because of the unavailability of ade-
5 quate permanent living quarters on the military
6 installation to which the member is assigned; or

7 “(II) while the member is wounded, ill, or
8 injured; and

9 “(ii) the Secretary determines that the cir-
10 cumstances of such living arrangements justify ex-
11 tending the enrollment authority to include the de-
12 pendents.”.

13 **SEC. 562. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
14 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
15 **PENDENTS OF MEMBERS OF THE ARMED**
16 **FORCES AND DEPARTMENT OF DEFENSE CI-**
17 **VILIAN EMPLOYEES.**

18 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
19 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
20 amount authorized to be appropriated for fiscal year 2011
21 pursuant to section 301(5) for operation and maintenance
22 for Defense-wide activities, \$30,000,000 shall be available
23 only for the purpose of providing assistance to local edu-
24 cational agencies under subsection (a) of section 572 of

1 the National Defense Authorization Act for Fiscal Year
2 2006 (Public Law 109–163; 20 U.S.C. 7703b).

3 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
4 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
5 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
6 thorized to be appropriated for fiscal year 2011 pursuant
7 to section 301(5) for operation and maintenance for De-
8 fense-wide activities, \$10,000,000 shall be available only
9 for the purpose of providing assistance to local educational
10 agencies under subsection (b) of section 572 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2006
12 (Public Law 109–163; 20 U.S.C. 7703b).

13 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
14 this section, the term “local educational agency” has the
15 meaning given that term in section 8013(9) of the Ele-
16 mentary and Secondary Education Act of 1965 (20 U.S.C.
17 7713(9)).

18 **SEC. 563. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
19 **ABILITIES.**

20 Of the amount authorized to be appropriated for fis-
21 cal year 2011 pursuant to section 301(5) for operation
22 and maintenance for Defense-wide activities, \$10,000,000
23 shall be available for payments under section 363 of the
24 Floyd D. Spence National Defense Authorization Act for

1 Fiscal Year 2001 (as enacted into law by Public Law 106–
2 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

3 **Subtitle H—Decorations and**
4 **Awards**

5 **SEC. 571. CLARIFICATION OF PERSONS ELIGIBLE FOR**
6 **AWARD OF BRONZE STAR MEDAL.**

7 (a) **LIMITATION ON ELIGIBLE PERSONS.**—Section
8 1133 of title 10, United States Code, is amended to read
9 as follows:

10 **“§ 1133. Bronze Star: limitation on persons eligible to**
11 **receive**

12 “The decoration known as the ‘Bronze Star’ may only
13 be awarded to a member of a military force who—

14 “(1) at the time of the events for which the
15 decoration is to be awarded, was serving in a geo-
16 graphic area in which special pay is authorized
17 under section 310 or paragraph (1) or (3) of section
18 351(a) of title 37; or

19 “(2) receives special pay under section 310 or
20 paragraph (1) or (3) of section 351(a) of title 37 as
21 a result of those events.”.

22 (b) **CLERICAL AMENDMENT.**—The table of sections
23 at the beginning of chapter 57 of such title is amended
24 by striking the item relating to section 1133 and inserting
25 the following new item:

“1133. Bronze Star: limitation on persons eligible to receive.”.

1 (c) APPLICATION OF AMENDMENT.—The amendment
2 made by subsection (a) applies to the award of the Bronze
3 Star after October 30, 2000.

4 **SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF**
5 **DISTINGUISHED-SERVICE CROSS TO SHINYEI**
6 **MATAYOSHI FOR ACTS OF VALOR DURING**
7 **WORLD WAR II.**

8 (a) AUTHORIZATION.—Notwithstanding the time lim-
9 itations specified in section 3744 of title 10, United States
10 Code, or any other time limitation with respect to the
11 awarding of certain medals to persons who served in the
12 Armed Forces, the Secretary of the Army is authorized
13 and requested to award the Distinguished-Service Cross
14 under section 3742 of that title to Shinyei Matayoshi for
15 the acts of valor referred to in subsection (b).

16 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
17 referred to in subsection (a) are the actions of Tech Ser-
18 geant Shinyei Matayoshi on April 7, 1945, as a member
19 of Company G, 2d Battalion, 442d Regimental Combat
20 Team during World War II.

1 **SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF**
2 **DISTINGUISHED-SERVICE CROSS TO JAY C.**
3 **COPLEY FOR ACTS OF VALOR DURING THE**
4 **VIETNAM WAR.**

5 (a) **AUTHORIZATION.**—Notwithstanding the time lim-
6 itations specified in section 3744 of title 10, United States
7 Code, or any other time limitation with respect to the
8 awarding of certain medals to persons who served in the
9 Armed Forces, the Secretary of the Army is authorized
10 and requested to award the Distinguished-Service Cross
11 under section 3742 of such title to former Captain Jay
12 C. Copley of the United States Army for the acts of valor
13 during the Vietnam War described in subsection (b).

14 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
15 referred to in subsection (a) are the actions of then Cap-
16 tain Jay C. Copley on May 5, 1968, as commander of
17 Company C of the 1st Battalion, 50th Infantry, attached
18 to the 173d Airborne Brigade during an engagement with
19 a regimental-size enemy force in Bin Dinh Province, South
20 Vietnam.

21 **SEC. 574. PROGRAM TO COMMEMORATE 60TH ANNIVER-**
22 **SARY OF THE KOREAN WAR.**

23 (a) **COMMEMORATIVE PROGRAM AUTHORIZED.**—The
24 Secretary of Defense may establish and conduct a pro-
25 gram to commemorate the 60th anniversary of the Korean
26 War (in this section referred to as the “commemorative

1 program”). In conducting the commemorative program,
2 the Secretary of Defense shall coordinate and support
3 other programs and activities of the Federal Government,
4 State and local governments, and other persons and orga-
5 nizations in commemoration of the Korean War.

6 (b) SCHEDULE.—If the Secretary of Defense estab-
7 lishes the commemorative program, the Secretary shall de-
8 termine the schedule of major events and priority of ef-
9 forts for the commemorative program to achieve the com-
10 memorative objectives specified in subsection (c). The Sec-
11 retary of Defense may establish a committee to assist the
12 Secretary in determining the schedule and conducting the
13 commemorative program.

14 (c) COMMEMORATIVE ACTIVITIES AND OBJEC-
15 TIVES.—The commemorative program may include activi-
16 ties and ceremonies to achieve the following objectives:

17 (1) To thank and honor veterans of the Korean
18 War, including members of the Armed Forces who
19 were held as prisoners of war or listed as missing in
20 action, for their service and sacrifice on behalf of the
21 United States.

22 (2) To thank and honor the families of veterans
23 of the Korean War for their sacrifices and contribu-
24 tions, especially families who lost a loved one in the
25 Korean War.

1 (3) To highlight the service of the Armed
2 Forces during the Korean War and the contributions
3 of Federal agencies and governmental and non-gov-
4 ernmental organizations that served with, or in sup-
5 port of, the Armed Forces.

6 (4) To pay tribute to the sacrifices and con-
7 tributions made on the home front by the people of
8 the United States during the Korean War.

9 (5) To provide the people of the United States
10 with a clear understanding and appreciation of the
11 lessons and history of the Korean War.

12 (6) To highlight the advances in technology,
13 science, and medicine related to military research
14 conducted during the Korean War.

15 (7) To recognize the contributions and sac-
16 rifices made by the allies of the United States dur-
17 ing the Korean War.

18 (d) USE OF THE UNITED STATES OF AMERICA KO-
19 REAN WAR COMMEMORATION AND SYMBOLS.—Subsection
20 (c) of section 1083 of the National Defense Authorization
21 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
22 1918), as amended by section 1067 of the Strom Thur-
23 mond National Defense Authorization Act for Fiscal Year
24 1999 (Public Law 105–261; 112 Stat. 2134) and section
25 1052 of the National Defense Authorization Act for Fiscal

1 Year 2000 (Public Law 106–65; 113 Stat. 764), shall
2 apply to the commemorative program.

3 (e) COMMEMORATIVE FUND.—

4 (1) ESTABLISHMENT OF NEW ACCOUNT.—If the
5 Secretary of Defense establishes the commemorative
6 program, the Secretary the Treasury shall establish
7 in the Treasury of the United States an account to
8 be known as the “Department of Defense Korean
9 War Commemoration Fund” (in this section referred
10 to as the “Fund”).

11 (2) ADMINISTRATION AND USE OF FUND.—The
12 Fund shall be available to, and administered by, the
13 Secretary of Defense. The Secretary of Defense shall
14 use the assets of the Fund only for the purpose of
15 conducting the commemorative program and shall
16 prescribe such regulations regarding the use of the
17 Fund as the Secretary of Defense considers to be
18 necessary.

19 (3) DEPOSITS.—There shall be deposited into
20 the Fund the following:

21 (A) Amounts appropriated to the Fund.

22 (B) Proceeds derived from the use by the
23 Secretary of Defense of the exclusive rights de-
24 scribed in subsection (c) of section 1083 of the
25 National Defense Authorization Act for Fiscal

1 Year 1998 (Public Law 105–85; 111 Stat.
2 1918).

3 (C) Donations made in support of the com-
4 memorative program by private and corporate
5 donors.

6 (4) AVAILABILITY.—Subject to paragraph (5),
7 amounts in the Fund shall remain available until ex-
8 pended.

9 (5) TREATMENT OF UNOBLIGATED FUNDS;
10 TRANSFER.—If unobligated amounts remain in the
11 Fund as of September 30, 2013, the Secretary of
12 the Treasury shall transfer the remaining amounts
13 to the Department of Defense Vietnam War Com-
14 memorative Fund established pursuant to section
15 598(e) of the National Defense Authorization Act
16 for Fiscal Year 2008 (Public Law 110–181; 10
17 U.S.C. 113 note). The transferred amounts shall be
18 merged with, and available for the same purposes as,
19 other amounts in the Department of Defense Viet-
20 nam War Commemorative Fund.

21 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—

22 (1) AUTHORITY TO ACCEPT SERVICES.—Not-
23 withstanding section 1342 of title 31, United States
24 Code, the Secretary of Defense may accept from any
25 person voluntary services to be provided in further-

1 ance of the commemorative program. The Secretary
2 of Defense shall prohibit the solicitation of any vol-
3 untary services if the nature or circumstances of
4 such solicitation would compromise the integrity or
5 the appearance of integrity of any program of the
6 Department of Defense or of any individual involved
7 in the program.

8 (2) COMPENSATION FOR WORK-RELATED IN-
9 JURY.—A person providing voluntary services under
10 this subsection shall be considered to be a Federal
11 employee for purposes of chapter 81 of title 5,
12 United States Code, relating to compensation for
13 work-related injuries. The person shall also be con-
14 sidered a special governmental employee for pur-
15 poses of standards of conduct and sections 202, 203,
16 205, 207, 208, and 209 of title 18, United States
17 Code. A person who is not otherwise employed by
18 the Federal Government shall not be considered to
19 be a Federal employee for any other purpose by rea-
20 son of the provision of voluntary services under this
21 subsection.

22 (3) REIMBURSEMENT OF INCIDENTAL EX-
23 PENSES.—The Secretary of Defense may provide for
24 reimbursement of incidental expenses incurred by a
25 person providing voluntary services under this sub-

1 section. The Secretary of Defense shall determine
2 which expenses are eligible for reimbursement under
3 this paragraph.

4 (g) REPORT REQUIRED.—If the Secretary of Defense
5 conducts the commemorative program, the Inspector Gen-
6 eral of the Department of Defense shall submit to Con-
7 gress, not later than 60 days after the end of the com-
8 memorative program, a report containing an accounting
9 of—

10 (1) all of the funds deposited into and expended
11 from the Fund;

12 (2) any other funds expended under this sec-
13 tion; and

14 (3) any unobligated funds remaining in the
15 Fund as of September 30, 2013, that are trans-
16 ferred to the Department of Defense Vietnam War
17 Commemorative Fund pursuant to subsection (e)(5).

18 (h) LIMITATION ON EXPENDITURES.—Using
19 amounts appropriated to the Department of Defense, the
20 Secretary of Defense may not expend more than
21 \$5,000,000 to carry out the commemorative program.

1 **Subtitle I—Military Family**
2 **Readiness Matters**

3 **SEC. 581. APPOINTMENT OF ADDITIONAL MEMBERS OF DE-**
4 **PARTMENT OF DEFENSE MILITARY FAMILY**
5 **READINESS COUNCIL.**

6 (a) INCLUSION OF SPOUSE OF GENERAL OR FLAG
7 OFFICER.—Subsection (b) of section 1781a of title 10,
8 United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) by redesignating subparagraph (E) as
11 subparagraph (F); and

12 (B) by inserting after subparagraph (D)
13 the following new subparagraph:

14 “(E) The spouse of a general or flag officer.”;

15 and

16 (2) in paragraph (2), by striking “subpara-
17 graphs (C) and (D)” and inserting “subparagraphs
18 (C), (D), and (E)”.

19 (b) INCLUSION OF DIRECTOR OF OFFICE OF COMMU-
20 NITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL
21 NEEDS.—Subsection (b)(1) of such section is further
22 amended by adding at the end the following new subpara-
23 graph:

24 “(G) The Director of the Office of Community
25 Support for Military Families With Special Needs.”.

1 (c) CLARIFICATION OF APPOINTMENT OPTIONS FOR
2 EXISTING MEMBER.—Subparagraph (F) of subsection
3 (b)(1) of such section, as redesignated by subsection
4 (a)(1)(A), is amended to read as follows:

5 “(F) In addition to the representatives ap-
6 pointed under subparagraphs (B) and (C), the sen-
7 ior enlisted advisor, or the spouse of a senior en-
8 listed member, from each of the Army, Navy, Marine
9 Corps, and Air Force.”.

10 (d) APPOINTMENT BY SECRETARY OF DEFENSE.—
11 Subsection (b) of such section is further amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (B), by striking “,
14 who shall be appointed by the Secretary of De-
15 fense”;

16 (B) in subparagraph (C), by striking “,
17 who shall be appointed by the Secretary of De-
18 fense” both places it appears; and

19 (C) in subparagraph (D), by striking “by
20 the Secretary of Defense”; and

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

23 “(3) The Secretary of Defense shall appoint the
24 members of the Council required by subparagraphs (B)
25 through (F) of paragraph (1).”.

1 **SEC. 582. ENHANCEMENT OF COMMUNITY SUPPORT FOR**
2 **MILITARY FAMILIES WITH SPECIAL NEEDS.**

3 (a) DIRECTOR OF THE OFFICE OF COMMUNITY SUP-
4 PORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—
5 Subsection (c) of section 1781c of title 10, United States
6 Code, is amended to read as follows:

7 “(c) DIRECTOR.—(1) The head of the Office shall be
8 the Director of the Office of Community Support for Mili-
9 tary Families With Special Needs, who shall be a member
10 of the Senior Executive Service or a general officer or flag
11 officer.

12 “(2) In the discharge of the responsibilities of the Of-
13 fice, the Director shall be subject to the supervision, direc-
14 tion, and control of the Under Secretary of Defense for
15 Personnel and Readiness.”.

16 (b) ADDITIONAL RESPONSIBILITY FOR OFFICE.—
17 Subsection (d) of such section is amended—

18 (1) by redesignating paragraph (7) as para-
19 graph (8); and

20 (2) by inserting after paragraph (6) the fol-
21 lowing new paragraph (7):

22 “(7) To conduct periodic reviews of best prac-
23 tices in the United States in the provision of medical
24 and educational services for children with special
25 needs.”.

1 (c) ENHANCEMENT OF SUPPORT.—Section 563 of
2 the National Defense Authorization Act for Fiscal Year
3 2010 (Public Law 111–84; 123 Stat. 2304) is amended—

4 (1) by redesignating subsection (c) as sub-
5 section (e); and

6 (2) by inserting after subsection (b) the fol-
7 lowing new subsections:

8 “(c) MILITARY DEPARTMENT SUPPORT FOR LOCAL
9 CENTERS TO ASSIST MILITARY CHILDREN WITH SPECIAL
10 NEEDS.—The Secretary of a military department may es-
11 tablish or support centers on or in the vicinity of military
12 installations under the jurisdiction of such Secretary to
13 coordinate and provide medical and educational services
14 for children with special needs of members of the Armed
15 Forces who are assigned to such installations.

16 “(d) ADVISORY PANEL ON COMMUNITY SUPPORT
17 FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

18 “(1) ESTABLISHMENT.—Not later than 90 days
19 after the date of the enactment of this subsection,
20 the Secretary of Defense shall establish an advisory
21 panel on community support for military families
22 with special needs.

23 “(2) MEMBERS.—The advisory panel shall con-
24 sist of seven individuals who are a member of a mili-
25 tary family with special needs. The Secretary of De-

1 fense shall appoint the members of the advisory
2 panel.

3 “(3) DUTIES.—The advisory panel shall—

4 “(A) provide informed advice to the Direc-
5 tor of the Office of Community Support for
6 Military Families With Special Needs on the
7 implementation of the policy required by sub-
8 section (e) of section 1781c of title 10, United
9 States Code, and on the discharge of the pro-
10 grams required by subsection (f) of such sec-
11 tion;

12 “(B) assess and provide information to the
13 Director on services and support for children
14 with special needs that is available from other
15 departments and agencies of the Federal Gov-
16 ernment and from State and local governments;
17 and

18 “(C) otherwise advise and assist the Direc-
19 tor in the discharge of the duties of the Office
20 of Community Support for Military Families
21 With Special Needs in such manner as the Sec-
22 retary of Defense and the Director jointly de-
23 termine appropriate.

24 “(4) MEETINGS.—The Director shall meet with
25 the advisory panel at such times, and with such fre-

1 quency, as the Director considers appropriate. The
 2 Director shall meet with the panel at least once each
 3 year. The Director may meet with the panel through
 4 teleconferencing or by other electronic means.”.

5 **SEC. 583. MODIFICATION OF YELLOW RIBBON REINTEGRA-**
 6 **TION PROGRAM.**

7 (a) OFFICE FOR REINTEGRATION PROGRAMS.—Sub-
 8 section (d)(1) of section 582 of the National Defense Au-
 9 thorization Act for Fiscal Year 2008 (Public Law 110-
 10 181; 10 U.S.C. 10101 note) is amended—

11 (1) by striking “The Under” and inserting the
 12 following:

13 “(A) IN GENERAL.—The Under”; and

14 (2) in the last sentence—

15 (A) by striking “The office may also” and
 16 inserting the following:

17 “(B) PARTNERSHIPS AND ACCESS.—The
 18 office may”;

19 (B) by inserting “and the Department of
 20 Veterans Affairs” after “Administration”; and

21 (C) by adding at the end the following new
 22 sentence: “Service and State-based programs
 23 may provide access to curriculum, training, and
 24 support for services to members and families
 25 from all components.”.

1 (b) CENTER FOR EXCELLENCE IN REINTEGRA-
2 TION.—Subsection (d)(2) of such section is amended by
3 adding at the end the following new sentence: “The Center
4 shall develop and implement a process for evaluating the
5 effectiveness of the Yellow Ribbon Reintegration Program
6 in supporting the health and well-being of members of the
7 Armed Forces and their families throughout the deploy-
8 ment cycle described in subsection (g).”.

9 (c) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—
10 Subsection (f)(3) of such section is amended by inserting
11 “and community-based organizations” after “service pro-
12 viders”.

13 (d) OPERATION OF PROGRAM DURING DEPLOYMENT
14 AND POST-DEPLOYMENT-RECONSTITUTION PHASES.—
15 Subsection (g) of such section is amended—

16 (1) in paragraph (3), by inserting “and to de-
17 crease the isolation of families during deployment”
18 after “combat zone”; and

19 (2) in paragraph (5)(A), by inserting “, pro-
20 viding information on employment opportunities,”
21 after “communities”.

22 (e) ADDITIONAL OUTREACH SERVICE.—Subsection
23 (h) of such section, as amended by section 595(1) of the
24 National Defense Authorization Act for Fiscal Year 2010

1 (Public Law 111–84; 123 Stat. 2338), is amended by add-
2 ing at the end the following new paragraph:

3 “(15) Resiliency training to promote com-
4 prehensive programs for members of the Armed
5 Forces to build mental and emotional resiliency for
6 successfully meeting the demands of the deployment
7 cycle.”.

8 **SEC. 584. EXPANSION AND CONTINUATION OF JOINT FAM-
9 ILY SUPPORT ASSISTANCE PROGRAM.**

10 Section 675 of the John Warner National Defense
11 Authorization Act for Fiscal Year 2007 (Public Law 109–
12 364; 119 Stat. 2273; 10 U.S.C. 1781 note) is amended—

13 (1) in subsection (b)—

14 (A) by striking “not more than” and in-
15 serting “not less than”; and

16 (B) by striking “Up to” and inserting “At
17 least”; and

18 (2) in subsection (h), by striking “at the end of
19 the three-year period beginning on the date on which
20 funds are first obligated for the program” and in-
21 serting “on December 31, 2012”.

22 **SEC. 585. REPORT ON MILITARY SPOUSE EDUCATION PRO-
23 GRAMS.**

24 (a) REVIEW REQUIRED.—The Secretary of Defense
25 shall carry out a review of all education programs of the

1 Department of Defense and Department of Veterans Af-
2 fairs designed to support spouses of members of the
3 Armed Forces.

4 (b) ELEMENTS OF REVIEW.—At a minimum, the re-
5 view shall evaluate the following:

6 (1) All education programs of the Department
7 of Defense and Department of Veterans Affairs that
8 are in place to advance educational opportunities for
9 military spouses.

10 (2) The efficacy and effectiveness of such edu-
11 cation programs.

12 (3) The extent to which the availability of edu-
13 cational opportunities for military spouses influences
14 the decisions of members to remain in the Armed
15 Forces.

16 (4) A comparison of the costs associated with
17 providing military spouse education opportunities as
18 an incentive to retain members rather than recruit-
19 ing or training new members.

20 (c) SUBMISSION OF RESULTS.—Not later than 180
21 days after the date of the enactment of this Act, the Sec-
22 retary of Defense shall submit to the congressional defense
23 committees a report containing—

24 (1) the results of the review; and

1 (2) such recommendations as the Secretary con-
2 siders necessary for improving military spouse edu-
3 cation programs.

4 (d) CONSULTATION.—In conducting the review and
5 preparing the report, the Secretary of Defense shall con-
6 sult with the Secretary of Veterans Affairs regarding edu-
7 cation programs of Department of Veterans Affairs assist-
8 ing spouses of members of the Armed Forces.

9 **SEC. 586. REPORT ON ENHANCING BENEFITS AVAILABLE**
10 **FOR MILITARY DEPENDENT CHILDREN WITH**
11 **SPECIAL EDUCATION NEEDS.**

12 (a) REPORT REQUIRED.—Not later than September
13 30, 2011, the Secretary of the Defense shall submit to
14 the Committees on Armed Services of the Senate and
15 House of Representatives a report describing the needs of
16 military families with children with special education
17 needs and evaluating options to enhance the benefits avail-
18 able to such families and children under the Individuals
19 with Disabilities Education Act (20 U.S.C. 1400 et seq.)
20 in meeting such needs.

21 (b) CONSULTATION.—The Secretary of Defense shall
22 prepare the report in consultation with the Secretary of
23 Education.

24 (c) ELEMENTS.—In preparing the report, the Sec-
25 retary of Defense shall—

1 (1) identify and assess obstacles faced by mili-
2 tary families with children with special education
3 needs in obtaining a free appropriate public edu-
4 cation to address such needs;

5 (2) identify and assess evidence-based research
6 and best practices for providing special education
7 and related services (as those terms are defined in
8 section 602 of the Individuals with Disabilities Edu-
9 cation Act (20 U.S.C. 1401)) for military children
10 with special education needs;

11 (3) assess timeliness in obtaining special edu-
12 cation and related services described in paragraph
13 (2);

14 (4) determine and document the cost associated
15 with obtaining special education and related services
16 described in paragraph (2);

17 (5) assess the feasibility of establishing an indi-
18 vidualized education program for military children
19 with special education needs that is applicable across
20 jurisdictions of local educational agencies in order to
21 achieve reciprocity among States in acknowledging
22 such programs;

23 (6) identify means of improving oversight and
24 compliance with the requirements of section 614 of
25 the Individuals with Disabilities Education Act (20

1 U.S.C. 1414) relating to a local educational agency
2 supporting an existing individualized education pro-
3 gram for a child with special education needs who is
4 relocating to another State pursuant to the perma-
5 nent change of station of a military parent until an
6 individualized education program is developed and
7 approved for such child in the State to which the
8 child relocates;

9 (7) assess the feasibility of establishing an ex-
10 pedited process for resolution of complaints by mili-
11 tary parents with a child with special education
12 needs about lack of access to education and related
13 services otherwise specified in the individualized edu-
14 cation program of the child;

15 (8) assess the feasibility of permitting the De-
16 partment of Defense to contact the State to which
17 a military family with a child with special education
18 needs will relocate pursuant to a permanent change
19 of station when the orders for such change of station
20 are issued, but before the family takes residence in
21 such State, for the purpose of commencing prepara-
22 tion for education and related services specified in
23 the individualized education program of the child;

24 (9) assess the feasibility of establishing a sys-
25 tem within the Department of Defense to document

1 complaints by military parents regarding access to
2 free and appropriate public education for their chil-
3 dren with special education needs;

4 (10) identify means to strengthen the moni-
5 toring and oversight of special education and related
6 services for military children with special education
7 needs under the Interstate Compact on Educational
8 Opportunities for Military Children; and

9 (11) consider such other matters as the Sec-
10 retary of Defense and the Secretary of Education
11 jointly consider appropriate.

12 **SEC. 587. REPORTS ON CHILD DEVELOPMENT CENTERS**
13 **AND FINANCIAL ASSISTANCE FOR CHILD**
14 **CARE FOR MEMBERS OF THE ARMED**
15 **FORCES.**

16 (a) REPORTS REQUIRED.—Not later than six months
17 after the date of the enactment of this Act, and every two
18 years thereafter, the Secretary of Defense shall submit to
19 the Committees on Armed Services of the Senate and the
20 House of Representatives a report on Department of De-
21 fense child development centers and financial assistance
22 for child care provided by the Department of Defense off-
23 installation to members of the Armed Forces.

1 (b) ELEMENTS.—Each report required by subsection
2 (a) shall include the following, current as of the date of
3 such report:

4 (1) The number of child development centers
5 currently located on military installations.

6 (2) The number of dependents of members of
7 the Armed Forces utilizing such child development
8 centers.

9 (3) The number of dependents of members of
10 the Armed Forces that are unable to utilize such
11 child development centers due to capacity limita-
12 tions.

13 (4) The types of financial assistance available
14 for child care provided by the Department of De-
15 fense off-installation to members of the Armed
16 Forces (including eligible members of the reserve
17 components).

18 (5) The extent to which members of the Armed
19 Forces are utilizing such financial assistance for
20 child care off-installation.

21 (6) The methods by which the Department of
22 Defense reaches out to eligible military families to
23 increase awareness of the availability of such finan-
24 cial assistance.

1 (7) The formulas used to calculate the amount
2 of such financial assistance provided to members of
3 the Armed Forces.

4 (8) The funding available for such financial as-
5 sistance in the Department of Defense and in the
6 military departments.

7 (9) The barriers to access, if any, to such finan-
8 cial assistance faced by members of the Armed
9 Forces, including whether standards and criteria of
10 the Department of Defense for child care off-instal-
11 lation may affect access to child care.

12 (10) Any other matters the Secretary considers
13 appropriate in connection with such report, including
14 with respect to the enhancement of access to De-
15 partment of Defense child care development centers
16 and financial assistance for child care off-installation
17 for members of the Armed Forces.

18 **Subtitle J—Other Matters**

19 **SEC. 591. AUTHORITY FOR MEMBERS OF THE ARMED**
20 **FORCES AND DEPARTMENT OF DEFENSE AND**
21 **COAST GUARD CIVILIAN EMPLOYEES AND**
22 **THEIR FAMILIES TO ACCEPT GIFTS FROM**
23 **NON-FEDERAL ENTITIES.**

24 (a) CODIFICATION AND EXPANSION OF EXISTING
25 AUTHORITY TO COVER ADDITIONAL MEMBERS AND EM-

1 PLOYEES.—Chapter 155 of title 10, United States Code,
2 is amended by inserting after section 2601 the following
3 new section:

4 **“§ 2601a. Direct acceptance of gifts by members of**
5 **the armed forces and Department of De-**
6 **fense and Coast Guard employees and**
7 **their families**

8 “(a) REGULATIONS GOVERNING ACCEPTANCE OF
9 GIFTS.—(1) The Secretary of Defense (and the Secretary
10 of Homeland Security in the case of the Coast Guard)
11 shall issue regulations to provide that, subject to such lim-
12 itations as may be specified in such regulations, the fol-
13 lowing individuals may accept gifts from nonprofit organi-
14 zations, private parties, and other sources outside the De-
15 partment of Defense or the Department of Homeland Se-
16 curity:

17 “(A) A member of the armed forces described
18 in subsection (b).

19 “(B) A civilian employee of the Department of
20 Defense or Coast Guard described in subsection (c).

21 “(C) The family members of such a member or
22 employee.

23 “(D) Survivors of such a member or employee
24 who is killed.

1 “(2) The regulations required by this subsection
2 shall—

3 “(A) apply uniformly to all elements of the De-
4 partment of Defense and, to the maximum extent
5 feasible, to the Coast Guard; and

6 “(B) require review and approval by a des-
7 ignated agency ethics official before acceptance of a
8 gift to ensure that acceptance of the gift complies
9 with the Joint Ethics Regulation.

10 “(b) COVERED MEMBERS.—This section applies to a
11 member of the armed forces who, while performing active
12 duty, full-time National Guard duty, or inactive-duty
13 training on or after September 11, 2001, incurred an in-
14 jury or illness—

15 “(1) as described in section 1413a(e)(2) of this
16 title; or

17 “(2) under other circumstances determined by
18 the Secretary concerned to warrant treatment analo-
19 gous to members covered by paragraph (1).

20 “(c) COVERED EMPLOYEES.—This section applies to
21 a civilian employee of the Department of Defense or Coast
22 Guard who, while an employee on or after September 11,
23 2001, incurred an injury or illness under a circumstance
24 described in paragraph (1) or (2) of subsection (c).

1 “(d) GIFTS FROM CERTAIN SOURCES PROHIB-
 2 ITED.—The regulations issued under subsection (a) may
 3 not authorize the acceptance of a gift from a foreign gov-
 4 ernment or international organization or their agents.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such chapter is amended by inserting
 7 after the item relating to section 2601 the following new
 8 item:

“2601a. Direct acceptance of gifts by members of the armed forces and Depart-
 ment of Defense and Coast Guard employees and their fami-
 lies.”.

9 **SEC. 592. INCREASE IN NUMBER OF PRIVATE SECTOR CI-**
 10 **VILIANS AUTHORIZED FOR ADMISSION TO**
 11 **NATIONAL DEFENSE UNIVERSITY.**

12 Section 2167(a) of title 10, United States Code, is
 13 amended by striking “20 full-time student positions” and
 14 inserting “35 full-time student positions”.

15 **SEC. 593. ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO**
 16 **ATTEND UNITED STATES AIR FORCE INSTI-**
 17 **TUTE OF TECHNOLOGY.**

18 (a) ADMISSION AUTHORITY.—Chapter 901 of title
 19 10, United States Code, is amended by inserting after sec-
 20 tion 9314 the following new section:

1 **“§ 9314a. United States Air Force Institute of Tech-**
2 **nology: admission of defense industry ci-**
3 **vilians**

4 “(a) ADMISSION AUTHORIZED.—(1) The Secretary of
5 the Air Force may permit defense industry employees de-
6 scribed in subsection (b) to receive instruction at the
7 United States Air Force Institute of Technology in accord-
8 ance with this section. Any such defense industry em-
9 ployee may be enrolled in, and may be provided instruction
10 in, a program leading to a graduate degree in a defense
11 focused curriculum related to aeronautics and astronau-
12 tics, electrical and computer engineering, engineering
13 physics, mathematics and statistics, operational sciences,
14 or systems and engineering management.

15 “(2) No more than 125 defense industry employees
16 may be enrolled at the United States Air Force Institute
17 of Technology at any one time under the authority of
18 paragraph (1).

19 “(3) Upon successful completion of the course of in-
20 struction at the United States Air Force Institute of Tech-
21 nology in which a defense industry employee is enrolled,
22 the defense industry employee may be awarded an appro-
23 priate degree under section 9314 of this title.

24 “(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—
25 For purposes of this section, an eligible defense industry
26 employee is an individual employed by a private firm that

1 is engaged in providing to the Department of Defense sig-
2 nificant and substantial defense-related systems, products,
3 or services. A defense industry employee admitted for in-
4 struction at the United States Air Force Institute of Tech-
5 nology remains eligible for such instruction only so long
6 at that person remains employed by the same firm.

7 “(c) ANNUAL DETERMINATION BY THE SECRETARY
8 OF THE AIR FORCE.—Defense industry employees may re-
9 ceive instruction at the United States Air Force Institute
10 of Technology during any academic year only if, before
11 the start of that academic year, the Secretary of the Air
12 Force, or the designee of the Secretary, determines that
13 providing instruction to defense industry employees under
14 this section during that year—

15 “(1) will further the military mission of the
16 United States Air Force Institute of Technology;
17 and

18 “(2) will be done on a space-available basis and
19 not require an increase in the size of the faculty of
20 the school, an increase in the course offerings of the
21 school, or an increase in the laboratory facilities or
22 other infrastructure of the school.

23 “(d) PROGRAM REQUIREMENTS.—The Secretary of
24 the Air Force shall ensure that—

1 “(1) the curriculum in which defense industry
2 employees may be enrolled under this section is not
3 readily available through other schools and con-
4 centrates on the areas of focus specified in sub-
5 section (a)(1) that are conducted by military organi-
6 zations and defense contractors working in close co-
7 operation; and

8 “(2) the course offerings at the United States
9 Air Force Institute of Technology continue to be de-
10 termined solely by the needs of the Department of
11 Defense.

12 “(e) TUITION.—(1) The United States Air Force In-
13 stitute of Technology shall charge tuition for students en-
14 rolled under this section at a rate not less than the rate
15 charged for employees of the United States outside the
16 Department of the Air Force.

17 “(2) Amounts received by the United States Air
18 Force Institute of Technology for instruction of students
19 enrolled under this section shall be retained by the school
20 to defray the costs of such instruction. The source, and
21 the disposition, of such funds shall be specifically identi-
22 fied in records of the school.

23 “(f) STANDARDS OF CONDUCT.—While receiving in-
24 struction at the United States Air Force Institute of Tech-
25 nology, defense industry employees enrolled under this sec-

1 tion, to the extent practicable, are subject to the same reg-
2 ulations governing academic performance, attendance,
3 norms of behavior, and enrollment as apply to Government
4 civilian employees receiving instruction at the school.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 9314 the following new
8 item:

“9314a. United States Air Force Institute of Technology: admission of defense
industry civilians.”.

9 **SEC. 594. UPDATED TERMINOLOGY FOR ARMY MEDICAL**
10 **SERVICE CORPS.**

11 Paragraph (5) of section 3068 of title 10, United
12 States Code, is amended—

13 (1) in subparagraph (A), by striking “Phar-
14 macy, Supply, and Administration” and inserting
15 “Administrative Health Services”;

16 (2) in subparagraph (C), by striking “Sanitary
17 Engineering” and inserting “Preventive Medicine
18 Sciences”; and

19 (3) in subparagraph (D), by striking “Optom-
20 etry” and inserting “Clinical Health Sciences”.

1 **SEC. 595. DATE FOR SUBMISSION OF ANNUAL REPORT ON**
 2 **DEPARTMENT OF DEFENSE STARBASE PRO-**
 3 **GRAM.**

4 Section 2193b(g) of title 10, United States Code, is
 5 amended by striking “90 days after the end of each fiscal
 6 year” and inserting “March 31 of each year”.

7 **SEC. 596. EXTENSION OF DEADLINE FOR SUBMISSION OF**
 8 **FINAL REPORT OF MILITARY LEADERSHIP DI-**
 9 **VERSITY COMMISSION.**

10 Section 596(e)(1) of the Duncan Hunter National
 11 Defense Authorization Act for Fiscal Year 2009 (Public
 12 Law 110–417; 122 Stat. 4478) is amended by striking
 13 “12 months” and inserting “18 months”.

14 **TITLE VI—COMPENSATION AND**
 15 **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.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN** 3 **EMPLOYEES FOR RESERVIST INCOME RE-** 4 **PLACEMENT PAYMENTS ON ACCOUNT OF** 5 **AVAILABILITY OF COMPARABLE BENEFITS** 6 **UNDER ANOTHER PROGRAM.**

7 (a) INELIGIBILITY FOR PAYMENTS.—Section 910(b)
8 of title 37, United States Code, is amended by adding at
9 the end the following new paragraph:

10 “(3) A civilian employee of the Federal Government
11 who is also a member of a reserve component is not enti-
12 tled to a payment under this section for any period for
13 which the employee is entitled to—

14 “(A) a differential payment under section 5538
15 of title 5; or

16 “(B) a comparable benefit under an administra-
17 tively established program for civilian employees ab-
18 sent from a position of employment with the Federal
19 Government in order to perform active duty in the
20 uniformed services.”.

21 (b) EFFECTIVE DATE.—Subsection (b)(3) of section
22 910 of title 37, United States Code, as added by sub-
23 section (a), shall apply with respect to payments under
24 such section for months beginning on or after the date
25 of the enactment of this Act.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
4 **SPECIAL PAY AUTHORITIES FOR RESERVE**
5 **FORCES.**

6 The following sections of title 37, United States
7 Code, are amended by striking “December 31, 2010” and
8 inserting “December 31, 2011”:

9 (1) Section 308b(g), relating to Selected Re-
10 serve reenlistment bonus.

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

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

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

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

22 (6) Section 308i(f), relating to Selected Reserve
23 enlistment and reenlistment bonus for persons with
24 prior service.

1 (7) Section 910(g), relating to income replace-
2 ment payments for reserve component members ex-
3 periencing extended and frequent mobilization for
4 active duty service.

5 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
6 **SPECIAL PAY AUTHORITIES FOR HEALTH**
7 **CARE PROFESSIONALS.**

8 (a) TITLE 10 AUTHORITIES.—The following sections
9 of title 10, United States Code, are amended by striking
10 “December 31, 2010” and inserting “December 31,
11 2011”:

12 (1) Section 2130a(a)(1), relating to nurse offi-
13 cer candidate accession program.

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

17 (b) TITLE 37 AUTHORITIES.—The following sections
18 of title 37, United States Code, are amended by striking
19 “December 31, 2010” and inserting “December 31,
20 2011”:

21 (1) Section 302e–1(f), relating to accession and
22 retention bonuses for psychologists.

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

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

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

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

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

10 (7) Section 302k(f), relating to accession bonus
11 for medical officers in critically short wartime spe-
12 cialties.

13 (8) Section 302l(g), relating to accession bonus
14 for dental specialist officers in critically short war-
15 time specialties.

16 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
17 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
18 **CERS.**

19 The following sections of title 37, United States
20 Code, are amended by striking “December 31, 2010” and
21 inserting “December 31, 2011”:

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

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

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

5 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
6 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
7 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
8 **TIES.**

9 The following sections of title 37, United States
10 Code, are amended by striking “December 31, 2010” and
11 inserting “December 31, 2011”:

12 (1) Section 331(h), relating to general bonus
13 authority for enlisted members.

14 (2) Section 332(g), relating to general bonus
15 authority for officers.

16 (3) Section 333(i), relating to special bonus and
17 incentive pay authorities for nuclear officers.

18 (4) Section 334(i), relating to special aviation
19 incentive pay and bonus authorities for officers.

20 (5) Section 335(k), relating to special bonus
21 and incentive pay authorities for officers in health
22 professions.

23 (6) Section 351(h), relating to hazardous duty
24 pay.

1 (7) Section 352(g), relating to assignment pay
2 or special duty pay.

3 (8) Section 353(i), relating to skill incentive
4 pay or proficiency bonus.

5 (9) Section 355(h), relating to retention incen-
6 tives for members qualified in critical military skills
7 or assigned to high priority units.

8 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
10 **NUSES AND SPECIAL PAYS.**

11 The following sections of title 37, United States
12 Code, are amended by striking “December 31, 2010” and
13 inserting “December 31, 2011”:

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

16 (2) Section 307a(g), relating to assignment in-
17 centive pay.

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

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

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

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

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

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

8 **SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO PAYMENT OF REFERRAL BONUSES.**

10 The following sections of title 10, United States
11 Code, are amended by striking “December 31, 2010” and
12 inserting “December 31, 2011”:

13 (1) Section 1030(i), relating to health profes-
14 sions referral bonus.

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

17 **Subtitle C—Travel and**
18 **Transportation Allowances**

19 **SEC. 621. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL**
20 **AND TRANSPORTATION ALLOWANCES FOR**
21 **INACTIVE DUTY TRAINING OUTSIDE OF NOR-**
22 **MAL COMMUTING DISTANCES.**

23 Section 408a(e) of title 37, United States Code, is
24 amended by striking “December 31, 2010” and inserting
25 “December 31, 2011”.

1 **SEC. 622. TRAVEL AND TRANSPORTATION ALLOWANCES**
2 **FOR ATTENDANCE AT YELLOW RIBBON RE-**
3 **INTEGRATION EVENTS.**

4 (a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

5 (1) IN GENERAL.—Chapter 7 of title 37, United
6 States Code, is amended by inserting after section
7 411k the following new section:

8 **“§ 411l. Travel and transportation allowances: attend-**
9 **ance of members and other persons at**
10 **Yellow Ribbon Reintegration Program**
11 **events**

12 “(a) ALLOWANCES AUTHORIZED.—(1) Under uni-
13 form regulations prescribed by the Secretaries concerned,
14 a member of the uniformed services authorized to attend
15 a Yellow Ribbon Reintegration Program event may be pro-
16 vided travel and transportation allowances in order that
17 the member may attend a Yellow Ribbon Reintegration
18 Program event.

19 “(2) Under uniform regulations prescribed by the
20 Secretaries concerned, travel and transportation allow-
21 ances may be provided for a person designated pursuant
22 to subsection (b) in order for the person to accompany
23 a member in attending a Yellow Ribbon Reintegration
24 Program event if the Secretary concerned determines that
25 the presence of the person at the event may contribute
26 to the purposes of the event for the member.

1 “(b) DESIGNATION OF PERSONS ELIGIBLE FOR AL-
2 LOWANCE.—A member of the uniformed services who is
3 eligible to attend a Yellow Ribbon Reintegration Program
4 event may designate one or more persons, including an-
5 other member of the uniformed services, for purposes of
6 receiving travel and transportation allowances described in
7 subsection (c) to attend a Yellow Ribbon Reintegration
8 Program event. The designation of a person for purposes
9 of this section shall be made in writing and may be
10 changed at any time.

11 “(c) AUTHORIZED TRAVEL AND TRANSPOR-
12 TATION.—(1) The transportation authorized by subsection
13 (a) is round-trip transportation between the home or place
14 of business of the authorized person and the location of
15 the Yellow Ribbon Reintegration Program event.

16 “(2) In addition to transportation under paragraph
17 (1), the Secretary concerned may provide a per diem al-
18 lowance or reimbursement for the actual and necessary ex-
19 penses of the travel, or a combination thereof, but not to
20 exceed the rates established under section 404(d) of this
21 title.

22 “(3) The transportation authorized by paragraph (1)
23 may be provided by any of the following means:

24 “(A) Transportation in-kind.

1 **Subtitle D—Disability, Retired Pay**
2 **and Survivor Benefits**

3 **SEC. 631. ELIMINATION OF CAP ON RETIRED PAY MULTI-**
4 **PLIER FOR MEMBERS WITH GREATER THAN**
5 **30 YEARS OF SERVICE WHO RETIRE FOR DIS-**
6 **ABILITY.**

7 (a) COMPUTATION OF RETIRED PAY.—The table in
8 section 1401(a) of title 10, United States Code, is amend-
9 ed—

10 (1) in the column designated “Column 2”, by
11 inserting “, not to exceed 75%,” after “percentage
12 of disability” both places it appears; and

13 (2) by striking column 4.

14 (b) RECOMPUTATION OF RETIRED OR RETAINER PAY
15 TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO
16 FIRST BECAME MEMBERS BEFORE SEPTEMBER 8,
17 1980.—The table in section 1402(d) of such title is
18 amended—

19 (1) in the column designated “Column 2”, by
20 inserting “, not to exceed 75%,” after “percentage
21 of disability”; and

22 (2) by striking column 4.

23 (c) RECOMPUTATION OF RETIRED OR RETAINER PAY
24 TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO

1 FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—

2 The table in section 1402a(d) of such title is amended—

3 (1) in the column designated “Column 2”, by
4 inserting “, not to exceed 75 percent,” after “per-
5 centage of disability”; and

6 (2) by striking column 4.

7 (d) APPLICATION OF AMENDMENTS.—The tables in
8 sections 1401(a), 1402(d), and 1402a(d) of title 10,
9 United States Code, as in effect on the day before the date
10 of the enactment of this Act, shall continue to apply to
11 the computation or recomputation of retired or retainer
12 pay for persons who first became entitled to retired or re-
13 tainer pay under subtitle A of such title on or before the
14 date of the enactment of this Act. The amendments made
15 by this section shall apply only with respect to persons
16 who first become entitled to retired or retainer pay under
17 such subtitle after that date.

18 **SEC. 632. PAYMENT DATE FOR RETIRED AND RETAINER**

19 **PAY.**

20 (a) SETTING PAYMENT DATE.—Section 1412 of title
21 10, United States Code, is amended—

22 (1) by striking “Amounts” and inserting “(a)
23 ROUNDING.—Amounts”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(b) PAYMENT DATE.—Amounts of retired pay and
2 retainer pay due a retired member of the uniformed serv-
3 ices shall be paid on the first day of each month beginning
4 after the month in which the right to such pay accrues.”.

5 (b) CLERICAL AMENDMENTS.—

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

8 **“§ 1412. Administrative provisions”.**

9 (2) TABLE OF SECTIONS.—The table of sections
10 at the beginning of chapter 71 of such title is
11 amended by striking the item relating to section
12 1412 and inserting the following new item:

“1412. Administrative provisions.”.

13 (c) EFFECTIVE DATE.—Subsection (b) of section
14 1412 of title 10, United States Code, as added by sub-
15 section (a), shall apply beginning with the first month that
16 begins more than 30 days after the date of the enactment
17 of this Act.

1 **SEC. 633. CLARIFICATION OF EFFECT OF ORDERING RE-**
2 **SERVE COMPONENT MEMBER TO ACTIVE**
3 **DUTY TO RECEIVE AUTHORIZED MEDICAL**
4 **CARE ON REDUCING ELIGIBILITY AGE FOR**
5 **RECEIPT OF NON-REGULAR SERVICE RE-**
6 **TIRED PAY.**

7 Section 12731(f)(2)(B) of title 10, United States
8 Code, is amended by adding at the end the following new
9 clause:

10 “(iii) If a member described in subparagraph (A) is
11 wounded or otherwise injured or becomes ill while serving
12 on active duty pursuant to a call or order to active duty
13 under a provision of law referred to in the first sentence
14 of clause (i) or in clause (ii), and the member is then or-
15 dered to active duty under section 12301(h)(1) of this title
16 to receive medical care for the wound, injury, or illness,
17 each day of active duty under that order for medical care
18 shall be treated as a continuation of the original call or
19 order to active duty for purposes of reducing the eligibility
20 age of the member under this paragraph.”.

1 **SEC. 634. CONFORMITY OF SPECIAL COMPENSATION FOR**
2 **MEMBERS WITH INJURIES OR ILLNESSES RE-**
3 **QUIRING ASSISTANCE IN EVERYDAY LIVING**
4 **WITH MONTHLY PERSONAL CAREGIVER STI-**
5 **PEND UNDER DEPARTMENT OF VETERANS**
6 **AFFAIRS PROGRAM OF COMPREHENSIVE AS-**
7 **SISTANCE FOR FAMILY CAREGIVERS.**

8 Subsection (c) of section 439 of title 37, United
9 States Code, is amended to read as follows:

10 “(c) AMOUNT.—The amount of monthly special com-
11 pensation payable to a member under subsection (a) shall
12 be the amount as follows:

13 “(1) The monthly amount of aid and attend-
14 ance payable under section 1114(r)(2) of title 38.

15 “(2) Upon the establishment by the Secretary
16 of Veterans Affairs pursuant to subparagraph (C) of
17 section 1720G(a)(3) of title 38 of the schedule of
18 monthly personal caregiver stipends under the De-
19 partment of Veterans Affairs program of comprehen-
20 sive assistance for family caregivers under subpara-
21 graph (A)(ii)(V) of such section, the monthly per-
22 sonal caregiver stipend payable with respect to simi-
23 larly circumstanced veterans under such schedule,
24 rather than the amount specified in paragraph (1).”.

1 **SEC. 635. SENSE OF CONGRESS CONCERNING AGE AND**
2 **SERVICE REQUIREMENTS FOR RETIRED PAY**
3 **FOR NON-REGULAR SERVICE.**

4 It is the sense of Congress that—

5 (1) the amendments made to section 12731 of
6 title 10, United States Code, by section 647 of the
7 National Defense Authorization Act for Fiscal Year
8 2008 (Public Law 110–181; 122 Stat. 160) were in-
9 tended to reduce the minimum age at which mem-
10 bers of a reserve component of the Armed Forces
11 would begin receiving retired pay according to time
12 spent deployed, by three months for every 90-day pe-
13 riod spent on active duty over the course of a career,
14 rather than limiting qualifying time to such periods
15 wholly served within the same fiscal year, as inter-
16 preted by the Department of Defense; and

17 (2) steps should be taken by the Department of
18 Defense to implement the congressional intent out-
19 lined in paragraph (1).

1 **Subtitle E—Commissary and Non-**
2 **appropriated Fund Instrumen-**
3 **tality Benefits and Operations**

4 **SEC. 641. ADDITION OF DEFINITION OF MORALE, WELFARE,**
5 **AND RECREATION TELEPHONE SERVICES**
6 **FOR USE IN CONTRACTS TO PROVIDE SUCH**
7 **SERVICES FOR MILITARY PERSONNEL SERV-**
8 **ING IN COMBAT ZONES.**

9 Section 885 of the National Defense Authorization
10 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
11 265; 10 U.S.C. 2304 note) is amended by adding at the
12 end the following new subsection:

13 “(c) MORALE, WELFARE, AND RECREATION TELE-
14 PHONE SERVICES DEFINED.—In this section, the term
15 ‘morale, welfare, and recreation telephone services’ means
16 unofficial telephone calling center services supporting call-
17 ing centers provided by the Army and Air Force Exchange
18 Service, Navy Exchange Service Command, Marine Corps
19 exchanges, or any other nonappropriated fund instrumen-
20 tality of the United States under the jurisdiction of the
21 Armed Forces which is conducted for the comfort, pleas-
22 ure, contentment, or physical or mental improvement of
23 members of the Armed Forces.”

1 **SEC. 642. FEASIBILITY STUDY ON ESTABLISHMENT OF**
2 **FULL EXCHANGE STORE IN THE NORTHERN**
3 **MARIANA ISLANDS.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to Congress a report containing the results of a study to
7 determine the feasibility of replacing the “Shoppette” of
8 the Army and Air Force Exchange Service in the Northern
9 Mariana Islands with a full-service exchange store.

10 **SEC. 643. CONTINUATION OF COMMISSARY AND EXCHANGE**
11 **OPERATIONS AT BRUNSWICK NAVAL AIR STA-**
12 **TION, MAINE.**

13 (a) CONTINUATION OF OPERATIONS.—The Secretary
14 of Defense shall provide for the continuation of com-
15 missary and exchange operations at Brunswick Naval Air
16 Station, Maine, until the later of the following:

17 (1) The closure of Brunswick Naval Air Sta-
18 tion.

19 (2) The end of the 60-day period beginning on
20 the date on which the Secretary of Defense makes
21 the determination under subsection (b).

22 (b) REVIEW AND DETERMINATION.—Not earlier than
23 120 days after the date of the enactment of this Act, the
24 Secretary of Defense shall—

25 (1) review any report prepared by the Comp-
26 troller General of the United States relating to com-

1 missary and exchange operations at Brunswick
2 Naval Air Station, Maine; and

3 (2) based on such review, make a determination
4 regarding whether such operations should be contin-
5 ued.

6 **Subtitle F—Other Matters**

7 **SEC. 651. REPORT ON BASIC ALLOWANCE FOR HOUSING** 8 **FOR PERSONNEL ASSIGNED TO SEA DUTY.**

9 (a) REPORT REQUIRED.—Not later than July 1,
10 2011, the Secretary of Defense shall submit to the con-
11 gressional defense committees a report containing the fol-
12 lowing:

13 (1) A review of the standards used to determine
14 the monthly rates of basic allowance for housing for
15 personnel assigned to sea duty (under section 403 of
16 title 37, United States Code).

17 (2) A review of the legislative framework and
18 policies applicable to eligibility and levels of com-
19 pensation for single and married personnel, with and
20 without dependents, who are assigned to sea duty.

21 (3) Any recommendation for modifications of
22 title 37, United States Code, relating to basic allow-
23 ance for housing for personnel who are assigned to
24 sea duty that the Secretary considers appropriate,

1 including an estimate of the cost of each modifica-
2 tion.

3 (b) ELEMENTS OF REVIEWS.—In conducting the re-
4 views for purposes of subsection (a), the Secretary shall
5 consider whether existing law, policies, and housing stand-
6 ards are suitable in terms of the following:

7 (1) The cost and availability of housing ashore
8 for personnel assigned to sea duty.

9 (2) The pay and allowances (other than basic
10 allowance for housing) payable to personnel who are
11 assigned to sea duty, including basic pay, career sea
12 pay, and the family separation allowance.

13 (3) The comparability in levels of compensation
14 for single and married personnel, with and without
15 dependents, who are assigned to sea duty.

16 (4) The provision of appropriate quality of life
17 and retention incentives for members in all grades
18 who are assigned to sea duty.

19 (5) The provision of appropriate recognition
20 and motivation for promotion to higher military
21 grades of personnel who are assigned to sea duty.

22 (6) Budgetary constraints and rising personnel
23 costs.

1 **SEC. 652. REPORT ON SAVINGS FROM ENHANCED MANAGE-**
2 **MENT OF SPECIAL PAY FOR AVIATION CA-**
3 **REER OFFICERS EXTENDING PERIOD OF AC-**
4 **TIVE DUTY.**

5 (a) REPORT REQUIRED.—Not later than August 1,
6 2011, the Secretary of Defense shall submit to the con-
7 gressional defense committees a report regarding the use
8 and management of the special pay programs authorized
9 in section 301b of title 37, United States Code, for avia-
10 tion career officers extending a period of active duty.

11 (b) ELEMENTS OF REPORT.—The report required by
12 subsection (a) shall include the following:

13 (1) A review of the programs operated by the
14 Secretaries of the military departments, including—

15 (A) directives and guidelines issued by the
16 Secretary of Defense;

17 (B) the number of aviation officers receiv-
18 ing the special pay, listed by weapon system;

19 (C) the weapon systems for which special
20 pay is not authorized and the number of avia-
21 tion officers affected by such exclusion;

22 (D) the policy and structure of the pro-
23 grams and the retention philosophy supporting
24 the policy and structure of the programs;

1 (E) the amounts paid to individual aviation
2 officers, annually and over the course of a ca-
3 reer; and

4 (F) the amounts budgeted annually for
5 such programs.

6 (2) An accounting of aviation officers receiving
7 the special pay who have an active duty service com-
8 mitment and the totals of aviation officers and allo-
9 cated funding by types of active duty service com-
10 mitment.

11 (3) A review of retention trends for aviation of-
12 ficers, generally and by weapon system, within the
13 military departments and an assessment of the fac-
14 tors that influence retention trends, and the reli-
15 ability and durability of those trends if such factors
16 are altered.

17 (4) An assessment of the funds that can be
18 saved by restructuring or eliminating such programs
19 to reduce payments to aviation officers associated
20 with those weapon systems with strong retention
21 trends and aviation officers with active duty service
22 commitments.

23 (5) A review of the demand for former military
24 aviation officers to fulfill commercial airline hiring
25 requirements, recent data regarding airline hiring of

1 former military aviation officers, and an assessment
2 of the methods used by airlines to qualify pilot can-
3 didates for employment as commercial pilots.

4 (6) Any recommendations for modifications of
5 title 37, United States Code, relating to special pay
6 for aviation career officers extending a period of ac-
7 tive duty.

8 **TITLE VII—HEALTH CARE** 9 **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.

1 **Subtitle A—Improvements to**
2 **Health Benefits**

3 **SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN**
4 **CERTAIN HEALTH CARE COSTS.**

5 (a) CHARGES UNDER CONTRACTS FOR MEDICAL
6 CARE.—Section 1097(e) of title 10, United States Code,
7 is amended by striking “September 30, 2009” and insert-
8 ing “September 30, 2011”.

9 (b) CHARGES FOR INPATIENT CARE.—Section
10 1086(b)(3) of such title is amended by striking “Sep-
11 tember 30, 2010” and inserting “September 30, 2011”.

12 **SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER**
13 **THE TRICARE PROGRAM.**

14 (a) DEPENDENT COVERAGE.—

15 (1) IN GENERAL.—Chapter 55 of title 10,
16 United States Code, is amended by adding at the
17 end the following new section:

18 **“§ 1110b. TRICARE program: extension of dependent**
19 **coverage**

20 “(a) IN GENERAL.—In accordance with subsection
21 (c), an individual described in subsection (b) shall be
22 deemed to be a dependent (as described in section
23 1072(2)(D) of this title) for purposes of coverage under
24 the TRICARE program.

1 “(b) INDIVIDUAL DESCRIBED.—An individual de-
2 scribed in this subsection is an individual who—

3 “(1) would be a dependent under section
4 1072(2) of this title but for exceeding an age limit
5 under such section;

6 “(2) has not attained the age of 26;

7 “(3) is not eligible to enroll in an eligible em-
8 ployer-sponsored plan (as defined in section
9 5000A(f)(2) of the Internal Revenue Code of 1986);

10 “(4) is not otherwise a dependent of a member
11 or a former member under any subparagraph of sec-
12 tion 1072(2) of this title; and

13 “(5) meets other criteria specified in regula-
14 tions prescribed by the Secretary, similar to regula-
15 tions prescribed by the Secretary of Health and
16 Human Services under section 2714(b) of the Public
17 Health Service Act.

18 “(c) PREMIUM.—(1) The Secretary shall prescribe by
19 regulation a premium (or premiums) for coverage under
20 the TRICARE program provided pursuant to this section
21 to an individual described in subsection (b).

22 “(2) The monthly amount of the premium in effect
23 for a month for coverage under the TRICARE program
24 pursuant to this section shall be the amount equal to the

1 cost of such coverage that the Secretary determines on an
2 appropriate actuarial basis.

3 “(3) The Secretary shall prescribe the requirements
4 and procedures applicable to the payment of premiums
5 under this subsection.

6 “(4) Amounts collected as premiums under this sub-
7 section shall be credited to the appropriation available for
8 the Defense Health Program Account under section 1100
9 of this title, shall be merged with sums in such Account
10 that are available for the fiscal year in which collected,
11 and shall be available under subsection (b) of such section
12 for such fiscal year.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of such chapter is amended
15 by inserting after the item relating to section 1110a
16 the following new item:

“1110b. TRICARE program: extension of dependent coverage.”.

17 (b) EFFECTIVE DATE AND REGULATIONS.—The
18 amendments made by this section shall take effect on Jan-
19 uary 1, 2011. The Secretary of Defense shall prescribe
20 an interim final rule with respect to such amendments,
21 effective not later than January 1, 2011.

22 **SEC. 703. SURVIVOR DENTAL BENEFITS.**

23 Paragraph (2) of section 1076a(k) of title 10, United
24 States Code, is amended to read as follows:

1 “(2) Such term includes any such dependent of a
2 member who dies—

3 “(A) while on active duty for a period of more
4 than 30 days; or

5 “(B) while such member is a member of the
6 Ready Reserve.”.

7 **SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE**
8 **ARMED FORCES.**

9 (a) **TINNITUS SCREENING.**—

10 (1) **STUDY REQUIRED.**—Not later than Sep-
11 tember 30, 2011, the Secretary of Defense shall con-
12 duct a study to identify the best tests currently
13 available to screen members of the Armed Forces for
14 tinnitus.

15 (2) **PLAN.**—Not later than December 31, 2011,
16 the Secretary shall develop a plan to ensure that all
17 members of the Armed Forces are screened for
18 tinnitus prior to and after a deployment to a combat
19 zone.

20 (3) **REPORT.**—Not later than December 31,
21 2011, the Secretary shall submit to the congres-
22 sional defense committees a report containing the re-
23 sults of the study under paragraph (1) and the plan
24 under paragraph (2).

1 (b) IMPROVING AURAL PROTECTION FOR MEMBERS
2 OF THE ARMED FORCES.—

3 (1) IN GENERAL.—In accordance with section
4 721 of the Duncan Hunter National Defense Au-
5 thorization Act for Fiscal Year 2009 (Public Law
6 110–417; 122 Stat. 4506), the Secretary of Defense
7 shall examine methods to improve the aural protec-
8 tion for members of the Armed Forces in combat.

9 (2) REPORT.—Not later than one year after the
10 date of the enactment of this Act, the Secretary
11 shall submit to the congressional defense committees
12 a report on the methods to improve aural protection
13 examined under subsection (a).

14 (c) CENTER OF EXCELLENCE.—The Secretary shall
15 ensure that all studies, findings, plans, and reports con-
16 ducted or submitted under this section are transmitted to
17 the center of excellence established by section 721 of the
18 Duncan Hunter National Defense Authorization Act for
19 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506).

20 **SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN CO-**
21 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
22 **TEM OF PHARMACY BENEFITS PROGRAM.**

23 During the period beginning on October 1, 2010, and
24 ending on September 30, 2011, the cost sharing require-
25 ments established under paragraph (6) of section

1 1074g(a) of title 10, United States Code, for pharma-
2 ceutical agents available through retail pharmacies cov-
3 ered by paragraph (2)(E)(ii) of such section may not ex-
4 ceed amounts as follows:

5 (1) In the case of generic agents, \$3.

6 (2) In the case of formulary agents, \$9.

7 (3) In the case of nonformulary agents, \$22.

8 **Subtitle B—Health Care**
9 **Administration**

10 **SEC. 711. ADMINISTRATION OF TRICARE.**

11 Subsection (a) of section 1073 of title 10, United
12 States Code, is amended—

13 (1) by striking “Except” and inserting “(1) Ex-
14 cept”; and

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

17 “(2) Except as otherwise provided in this chapter, the
18 Secretary of Defense shall have responsibility for admin-
19 istering the TRICARE program and making any decision
20 affecting such program.”.

1 **SEC. 712. POSTDEPLOYMENT HEALTH REASSESSMENTS**
2 **FOR PURPOSES OF THE MEDICAL TRACKING**
3 **SYSTEM FOR MEMBERS OF THE ARMED**
4 **FORCES DEPLOYED OVERSEAS.**

5 (a) REQUIREMENT FOR POSTDEPLOYMENT HEALTH
6 REASSESSMENTS.—Paragraph (1) of subsection (b) of
7 section 1074f of title 10, United States Code, is amended
8 to read as follows:

9 “(1)(A) The system described in subsection (a) shall
10 include the use of predeployment medical examinations
11 and postdeployment medical examinations (including the
12 assessment of mental health and the drawing of blood
13 samples) and postdeployment health reassessments to—

14 “(i) accurately record the health status of mem-
15 bers before their deployment;

16 “(ii) accurately record any changes in their
17 health status during the course of their deployment;
18 and

19 “(iii) identify health concerns, including mental
20 health concerns, that may become manifest several
21 months following their deployment.

22 “(B) The postdeployment medical examination shall
23 be conducted when the member is redeployed or otherwise
24 leaves an area in which the system is in operation (or as
25 soon as possible thereafter).

1 “(C) The postdeployment health reassessment shall
2 be conducted at an appropriate time during the period be-
3 ginning 90 days after the member is redeployed and end-
4 ing 180 days after the member is redeployed.”.

5 (b) INCORPORATION IN REASSESSMENTS OF ELE-
6 MENTS OF PREDEPLOYMENT AND POSTDEPLOYMENT
7 MEDICAL EXAMINATIONS.—Paragraph (2) of such sub-
8 section is amended by striking “and postdeployment med-
9 ical examination” and inserting “medical examination,
10 postdeployment medical examination, and postdeployment
11 health reassessment”.

12 (c) RECORDKEEPING.—Subsection (c) of such section
13 is amended—

14 (1) by inserting “and reassessments” after
15 “medical examinations”; and

16 (2) by inserting “and the prescription and ad-
17 ministration of psychotropic medications” after “in-
18 cluding immunizations”.

19 (d) QUALITY ASSURANCE.—Subsection (d) of such
20 section is amended—

21 (1) in paragraph (1), by striking “and
22 postdeployment medical examinations” and inserting
23 “, postdeployment medical examinations, and
24 postdeployment health reassessments”; and

25 (2) in paragraph (2)—

1 (A) in subparagraph (A), by inserting
2 “and reassessments” after “postdeployment
3 health assessments”; and

4 (B) in subparagraph (B), by inserting
5 “and reassessments” after “such assessments”.

6 **SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS**
7 **APPLICABLE TO MILITARY HEALTH-CARE**
8 **PROFESSIONALS WHO ARE MEMBERS OF THE**
9 **NATIONAL GUARD PERFORMING CERTAIN**
10 **DUTY WHILE IN STATE STATUS.**

11 Section 1094(d) of title 10, United States Code, is
12 amended—

13 (1) in paragraph (1), by inserting “or (3)”
14 after “paragraph (2)”;

15 (2) in paragraph (2), by inserting “as being de-
16 scribed in this paragraph” after “paragraph (1)”;
17 and

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

20 “(3) A health-care professional referred to in para-
21 graph (1) as being described in this paragraph is a mem-
22 ber of the National Guard who—

23 “(A) has a current license to practice medicine,
24 osteopathic medicine, dentistry, or another health
25 profession; and

1 “(B) is performing training or duty under sec-
2 tion 502(f) of title 32 in response to an actual or
3 potential disaster.”.

4 **SEC. 714. IMPROVEMENTS TO OVERSIGHT OF MEDICAL**
5 **TRAINING FOR MEDICAL CORPS OFFICERS.**

6 (a) REVIEW OF TRAINING PROGRAMS FOR MEDICAL
7 OFFICERS.—

8 (1) REVIEW.—The Secretary of Defense shall
9 conduct a review of training programs for medical
10 officers (as defined in section 101(b)(14) of title 10,
11 United States Code) to ensure that the academic
12 and military performance of such officers has been
13 completely documented in military personnel records.
14 The programs reviewed shall include, at a minimum,
15 the following:

16 (A) Programs at the Uniformed Services
17 University of the Health Sciences that award a
18 medical doctor degree.

19 (B) Selected residency programs at mili-
20 tary medical treatment facilities, as determined
21 by the Secretary, to include at least one pro-
22 gram in each of the specialties of—

23 (i) anesthesiology;

24 (ii) emergency medicine;

25 (iii) family medicine;

- 1 (iv) general surgery;
- 2 (v) neurology;
- 3 (vi) obstetrics/gynecology;
- 4 (vii) pathology;
- 5 (viii) pediatrics; and
- 6 (ix) psychiatry.

7 (2) REPORT.—Not later than one year after the
8 date of the enactment of this Act, the Secretary of
9 Defense shall submit to the congressional defense
10 committees a report on the findings of the review
11 under paragraph (1).

12 (b) ANNUAL REPORT ON GRADUATE MEDICAL EDU-
13 CATION PROGRAMS.—

14 (1) ANNUAL REPORT.—Not later than April 1,
15 2011, and annually thereafter through 2015, the
16 Secretary of Defense shall submit to the congress-
17 sional defense committees a report on the status of
18 the graduate medical education programs of the De-
19 partment of Defense.

20 (2) ELEMENTS.—Each report under paragraph
21 (1) shall include the following:

22 (A) An identification of each graduate
23 medical education program of the Department
24 of Defense in effect during the previous fiscal
25 year, including for each such program, the mili-

1 tary department responsible, the location, the
2 medical specialty, the period of training re-
3 quired, and the number of students by year.

4 (B) The status of each program referred to
5 in subparagraph (A), including, for each such
6 program, an identification of the fiscal year in
7 which the last action was taken with respect to
8 each of the following:

9 (i) Initial accreditation.

10 (ii) Continued accreditation.

11 (iii) If applicable, probation, and the
12 reasons for probationary status.

13 (iv) If applicable, withheld or with-
14 drawn accreditation, and the reasons for
15 such action.

16 (C) A discussion of trends in the graduate
17 medical education programs of the Department.

18 (D) A discussion of challenges faced by
19 such programs, and a description and assess-
20 ment of strategies and plans to address such
21 challenges.

22 (E) Such other matters as the Secretary
23 considers appropriate.

1 **SEC. 715. HEALTH INFORMATION TECHNOLOGY.**

2 (a) ENTERPRISE RISK ASSESSMENT METHODOLOGY
3 STUDY.—

4 (1) STUDY REQUIRED.—The Secretary of De-
5 fense shall conduct an enterprise risk assessment
6 methodology study of all health information tech-
7 nology programs of the Department of Defense.

8 (2) REPORT.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary
10 shall submit to the congressional defense committees
11 a report containing the results of the study required
12 under paragraph (1).

13 (b) REPORT ON HEALTH INFORMATION TECH-
14 NOLOGY ORGANIZATIONAL STRUCTURE AND FUTURE
15 PLANS.—

16 (1) REPORT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Secretary of Defense shall submit to the congress-
19 sional defense committees a report on the organiza-
20 tional structure for health information technology
21 within the Department of Defense.

22 (2) ELEMENTS.—The report required under
23 paragraph (1) shall include the following:

24 (A) Organizational charts for all organiza-
25 tions involved with health information tech-

1 nology showing, at a minimum, the senior posi-
2 tions in each office and each activity.

3 (B) A description of the functions and re-
4 sponsibilities, to include policy formulation, pol-
5 icy and program execution, and program over-
6 sight, of each senior position for health infor-
7 mation technology.

8 (C) An assessment of how well the health
9 information systems of the Department of De-
10 fense interact with the health information sys-
11 tems of—

12 (i) the Department of Veterans Af-
13 fairs; and

14 (ii) entities other than the Federal
15 Government.

16 (D) A description of the role played by the
17 Interagency Program Office established by sec-
18 tion 1635 of the Wounded Warrior Act (title
19 XVI of Public Law 110–181; 10 U.S.C. 1071
20 note) and whether the office is satisfactorily
21 performing the functions required by such sec-
22 tion, as well as recommendations for adminis-
23 trative or legislative action as the Secretary
24 considers appropriate.

1 (E) A complete description of all future
2 plans for legacy systems and new electronic
3 health record initiatives, including the joint vir-
4 tual lifetime electronic record.

5 (F) The results of the survey described in
6 paragraph (3).

7 (3) SURVEY.—The Secretary shall conduct a
8 survey of users of the health information technology
9 systems of the Department of Defense to assess the
10 benefits and failings of such systems.

11 (4) DEFINITIONS.—In this subsection:

12 (A) The term “senior position” means a
13 position filled by a member of the senior execu-
14 tive service, a position on the Executive Sched-
15 ule established pursuant to title 5, United
16 States Code, or a position filled by a general or
17 flag officer.

18 (B) The term “senior personnel” means
19 personnel who are members of the senior execu-
20 tive service, who fill a position listed on the Ex-
21 ecutive Schedule established pursuant to title 5,
22 United States Code, or who are general or flag
23 officers.

24 (c) REPORT ON GAO REPORT REQUIRED.—Not later
25 than March 31, 2011, the Secretary of Defense shall sub-

1 mit to the congressional defense committees a report on
2 the report by the Comptroller General of the United States
3 titled “Information Technology: Opportunities Exist to
4 Improve Management of DOD’s Electronic Health Record
5 Initiative” (GAO-11-50), including—

6 (1) the status of implementing the rec-
7 ommendations made in such report; and

8 (2) for each such recommendation that has not
9 been implemented, the reason why the recommenda-
10 tion has not been implemented.

11 **SEC. 716. EDUCATION AND TRAINING ON USE OF PHARMA-**
12 **CEUTICALS IN REHABILITATION PROGRAMS**
13 **FOR WOUNDED WARRIORS.**

14 (a) **EDUCATION AND TRAINING REQUIRED.**—The
15 Secretary of Defense shall develop and implement train-
16 ing, available through the Internet or other means, on the
17 use of pharmaceuticals in rehabilitation programs for seri-
18 ously ill or injured members of the Armed Forces.

19 (b) **RECIPIENTS OF TRAINING.**—The training devel-
20 oped and implemented under subsection (a) shall be train-
21 ing for each category of individuals as follows:

22 (1) Patients in or transitioning to a wounded
23 warrior unit, with special accommodation in such
24 training for such patients with cognitive disabilities.

25 (2) Nonmedical case managers.

1 (3) Military leaders.

2 (4) Family members.

3 (c) ELEMENTS OF TRAINING.—The training devel-
4 oped and implemented under subsection (a) shall include
5 the following:

6 (1) An overview of the fundamentals of safe
7 prescription drug use.

8 (2) Familiarization with the benefits and risks
9 of using pharmaceuticals in rehabilitation therapies.

10 (3) Examples of the use of pharmaceuticals for
11 individuals with multiple, complex injuries, including
12 traumatic brain injury and post-traumatic stress dis-
13 order.

14 (4) Familiarization with means of finding addi-
15 tional resources for information on pharmaceuticals.

16 (5) Familiarization with basic elements of pain
17 and pharmaceutical management.

18 (6) Familiarization with complementary and al-
19 ternative therapies.

20 (d) TAILORING OF TRAINING.—The training devel-
21 oped and implemented under subsection (a) shall appro-
22 priately tailor the elements specified in subsection (c) for
23 and among each category of individuals set forth in sub-
24 section (b).

25 (e) REVIEW OF PHARMACY.—

1 (1) REVIEW.—The Secretary shall review all
2 policies and procedures of the Department of De-
3 fense regarding the use of pharmaceuticals in reha-
4 bilitation programs for seriously ill or injured mem-
5 bers of the Armed Forces.

6 (2) RECOMMENDATIONS.—Not later than Sep-
7 tember 20, 2011, the Secretary shall submit to the
8 congressional defense committees any recommenda-
9 tions for administrative or legislative action with re-
10 spect to the review under paragraph (1) as the Sec-
11 retary considers appropriate.

12 **Subtitle C—Other Matters**

13 **SEC. 721. REPEAL OF REPORT REQUIREMENT ON SEPARA-** 14 **TIONS RESULTING FROM REFUSAL TO PAR-** 15 **TICIPATE IN ANTHRAX VACCINE IMMUNIZA-** 16 **TION PROGRAM.**

17 Section 1178 of title 10, United States Code, is
18 amended—

19 (1) by striking “(a) REQUIREMENT TO ESTAB-
20 LISH SYSTEM.—”; and

21 (2) by striking subsection (b).

1 **SEC. 722. COMPREHENSIVE POLICY ON CONSISTENT NEU-**
2 **ROLOGICAL COGNITIVE ASSESSMENTS OF**
3 **MEMBERS OF THE ARMED FORCES BEFORE**
4 **AND AFTER DEPLOYMENT.**

5 (a) **COMPREHENSIVE POLICY REQUIRED.**—Not later
6 than January 31, 2011, the Secretary of Defense shall de-
7 velop and implement a comprehensive policy on consistent
8 neurological cognitive assessments of members of the
9 Armed Forces before and after deployment.

10 (b) **UPDATES.**—The Secretary shall revise the policy
11 required by subsection (a) on a periodic basis in accord-
12 ance with experience and evolving best practice guidelines.

13 **SEC. 723. ASSESSMENT OF POST-TRAUMATIC STRESS DIS-**
14 **ORDER BY MILITARY OCCUPATION.**

15 (a) **ASSESSMENT.**—The Secretaries of the military
16 departments shall each conduct an assessment of post-
17 traumatic stress disorder incidence by military occupation,
18 including identification of military occupations with a high
19 incidence of such disorder.

20 (b) **REPORT.**—Not later than one year after the date
21 of the enactment of this Act, the Secretaries shall each
22 submit to the congressional defense committees a report
23 on the assessment under subsection (a).

24 (c) **CENTERS OF EXCELLENCE.**—The Secretary of
25 Defense shall ensure that all studies, findings, plans, and
26 reports conducted or submitted under this section are

1 transmitted to the centers of excellence established by sec-
 2 tions 1621 and 1622 of the Wounded Warrior Act (title
 3 XVI of Public Law 110–181).

4 **SEC. 724. LICENSED MENTAL HEALTH COUNSELORS AND**
 5 **THE TRICARE PROGRAM.**

6 Not later than June 20, 2011, the Secretary of De-
 7 fense shall prescribe the regulations required by section
 8 717 of the National Defense Authorization Act for Fiscal
 9 Year 2008 (Public Law 110–181; 10 U.S.C. 1073 note).

10 **TITLE VIII—ACQUISITION POL-**
 11 **ICY, ACQUISITION MANAGE-**
 12 **MENT, AND RELATED MAT-**
 13 **TERS**

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.

1 **Subtitle A—Acquisition Policy and**
 2 **Management**

3 **SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRAC-**
 4 **TORS.**

5 (a) IN GENERAL.—Section 2320 of title 10, United
 6 States Code, is amended—

7 (1) in subsection (c)(2)—

8 (A) by striking “subsection (a), allowing”

9 and inserting “subsection (a)—

1 “(A) allowing”; and

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

4 “(B) allowing a covered litigation support
5 contractor access to and use of any technical,
6 proprietary, or confidential data delivered under
7 a contract for the sole purpose of providing liti-
8 gation support to the Government in the form
9 of administrative, technical, or professional
10 services during or in anticipation of litigation;
11 or”; and

12 (2) by inserting after subsection (f) the fol-
13 lowing:

14 “(g) In this section, the term ‘covered litigation sup-
15 port contractor’ means a contractor (including an expert
16 or technical consultant) under contract with the Depart-
17 ment of Defense to provide litigation support, which con-
18 tractor executes a contract with the Government agreeing
19 to and acknowledging—

20 “(1) that proprietary or nonpublic technical
21 data furnished will be accessed and used only for the
22 purposes stated in that contract;

23 “(2) that the covered litigation support con-
24 tractor will take all reasonable steps to protect the
25 proprietary and nonpublic nature of the technical

1 data furnished to the covered litigation support con-
2 tractor; and

3 “(3) that such technical data provided to the
4 covered litigation support contractor under the au-
5 thority of this section shall not be used by the cov-
6 ered litigation support contractor to compete against
7 the third party for Government or non-Government
8 contracts.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on the date that is 120
11 days after the date of the enactment of this Act.

12 **SEC. 802. DESIGNATION OF ENGINE DEVELOPMENT AND**
13 **PROCUREMENT PROGRAM AS MAJOR SUB-**
14 **PROGRAM.**

15 (a) DESIGNATION AS MAJOR SUBPROGRAM.—Not
16 later than 30 days after the date of the enactment of this
17 Act, the Secretary of Defense shall designate an engine
18 development and procurement program as a major subpro-
19 gram of the F-35 Lightning II aircraft major defense ac-
20 quisition program, in accordance with section 2430a of
21 title 10, United States Code.

22 (b) ORIGINAL BASELINE.—For purposes of reporting
23 requirements referred to in section 2430a(b) of title 10,
24 United States Code, for the major subprogram designated

1 under subsection (a), the Secretary shall use the Milestone
2 B decision as the original baseline for the subprogram.

3 (c) ACTIONS FOLLOWING CRITICAL COST
4 GROWTH.—

5 (1) IN GENERAL.—Subject to paragraph (2), to
6 the extent that the Secretary elects to restructure
7 the Lightning II aircraft major defense acquisition
8 program subsequent to a reassessment and actions
9 required by subsections (a) and (c) of section 2433a
10 of title 10, United States Code, during fiscal year
11 2010, and also conducts such reassessment and ac-
12 tions with respect to an F-35 engine development
13 and procurement program (including related report-
14 ing based on the original baseline as defined in sub-
15 section (c)), the requirements of section 2433a of
16 such title with respect to a major subprogram des-
17 ignated under subsection (a) shall be considered to
18 be met with respect to the major subprogram.

19 (2) LIMITATION.—Actions taken in accordance
20 with paragraph (1) shall be considered to meet the
21 requirements of section 2433a of title 10, United
22 States Code, with respect to a major subprogram
23 designated under subsection (a) only to the extent
24 that designation as a major subprogram would re-
25 quire the Secretary of Defense to conduct a reas-

1 assessment and take actions pursuant to such section
2 2433a for such a subprogram upon enactment of
3 this Act. The requirements of such section 2433a
4 shall not be considered to be met with respect to
5 such a subprogram in the event that additional pro-
6 grammatic changes, following the date of the enact-
7 ment of this Act, cause the program acquisition unit
8 cost or procurement unit cost of such a subprogram
9 to increase by a percentage equal to or greater than
10 the critical cost growth threshold (as defined in sec-
11 tion 2433(a)(5) of such title) for the subprogram.

12 **SEC. 803. ENHANCEMENT OF DEPARTMENT OF DEFENSE**

13 **AUTHORITY TO RESPOND TO COMBAT AND**
14 **SAFETY EMERGENCIES THROUGH RAPID AC-**
15 **QUISITION AND DEPLOYMENT OF URGENTLY**
16 **NEEDED SUPPLIES.**

17 (a) **REQUIREMENT TO ESTABLISH PROCEDURES.—**

18 Subsection (a) of section 806 of the Bob Stump National
19 Defense Authorization Act for Fiscal Year 2003 (10
20 U.S.C. 2302 note) is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “items” and inserting “supplies”; and

23 (2) by striking paragraph (1) and inserting the
24 following new paragraph (1):

1 “(1)(A) currently under development by the De-
2 partment of Defense or available from the commer-
3 cial sector; or

4 “(B) require only minor modifications to sup-
5 plies described in subparagraph (A); and”.

6 (b) ISSUES TO BE ADDRESSED.—Subsection (b) of
7 such section is amended—

8 (1) in paragraph (1)(B), by striking “items”
9 and inserting “supplies”; and

10 (2) in paragraph (2)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “items” and inserting “sup-
13 plies”;

14 (B) in subparagraphs (A) and (B), by
15 striking “an item” and inserting “the supplies”;
16 and

17 (C) in subparagraph (C), by inserting “and
18 utilization” after “deployment”.

19 (c) RESPONSE TO COMBAT EMERGENCIES.—Sub-
20 section (c) of such section is amended—

21 (1) by striking “equipment” each place it ap-
22 pears other than paragraph (5) and inserting “sup-
23 plies”;

24 (2) by striking “combat capability” each place
25 it appears;

1 (3) by striking “that has resulted in combat fa-
2 talities” each place it appears and inserting “that
3 has resulted in combat casualties, or is likely to re-
4 sult in combat casualties”;

5 (4) in paragraph (1), by striking “is” and in-
6 serting “are”;

7 (5) in paragraph (2)—

8 (A) in subparagraph (A), by striking “is”
9 each place it appears and inserting “are”; and

10 (B) in subparagraph (B), by striking “fa-
11 talities” at the end and inserting “casualties”;

12 (6) by amending paragraph (3) to read as fol-
13 lows:

14 “(3) In any fiscal year in which the Secretary makes
15 a determination described in paragraph (1), the Secretary
16 may use any funds available to the Department of Defense
17 for that fiscal year for acquisitions of supplies under this
18 section if the determination includes a written finding that
19 the use of such funds is necessary to address the combat
20 capability deficiency in a timely manner. The authority of
21 this section may not be used to acquire supplies in an
22 amount aggregating more than \$200,000,000 during any
23 such fiscal year.”;

24 (7) in paragraph (4)—

1 (A) by inserting “, in consultation with the
2 Director of the Office of Management and
3 Budget,” after “shall”; and

4 (B) by striking “Each such notice” and in-
5 serting “For each such determination, the no-
6 tice under the preceding sentence”; and

7 (8) in paragraph (5), by striking “that equip-
8 ment” and inserting “the supplies concerned”.

9 (d) WAIVER OF CERTAIN STATUTES AND REGULA-
10 TIONS.—Subsection (d)(1) of such section is amended by
11 striking “equipment” in subparagraphs (A), (B), and (C)
12 and inserting “supplies”.

13 (e) TESTING REQUIREMENT.—Subsection (e) of such
14 section is amended—

15 (1) in paragraph (1)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “an item” and inserting “the
18 supplies”; and

19 (B) in subparagraph (B), by striking “of
20 the item” and all that follows through “require-
21 ments document” and inserting “of the supplies
22 in meeting the original requirements for the
23 supplies (as stated in a statement of the urgent
24 operational need”;

25 (2) in paragraph (2)—

1 (A) by striking “an item” and inserting
2 “supplies”; and

3 (B) by striking “the item” and inserting
4 “the supplies”; and

5 (3) in paragraph (3), by striking “items” each
6 place it appears and inserting “supplies”.

7 (f) LIMITATION.—Subsection (f) of such section is
8 amended to read as follows:

9 “(f) LIMITATION.—In the case of supplies that are
10 part of a major system for which a low-rate initial produc-
11 tion quantity determination has been made pursuant to
12 section 2400 of title 10, United States Code, the quantity
13 of such supplies acquired using the procedures prescribed
14 pursuant to this section may not exceed an amount con-
15 sistent with complying with limitations on the quantity of
16 articles approved for low-rate initial production for such
17 system. Any such supplies shall be included in any relevant
18 calculation of quantities for low-rate initial production for
19 the system concerned.”.

20 **SEC. 804. REVIEW OF ACQUISITION PROCESS FOR RAPID**
21 **FIELDING OF CAPABILITIES IN RESPONSE TO**
22 **URGENT OPERATIONAL NEEDS.**

23 (a) REVIEW OF RAPID ACQUISITION PROCESS RE-
24 QUIRED.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall complete a review of the
4 process for the fielding of capabilities in response to
5 urgent operational needs and submit a report on the
6 review to the congressional defense committees.

7 (2) REVIEW AND REPORT REQUIREMENTS.—
8 The review pursuant to this section shall include
9 consideration of various improvements to the acqui-
10 sition process for rapid fielding of capabilities in re-
11 sponse to urgent operational needs. For each im-
12 provement, the report on the review shall discuss—

13 (A) the Department’s review of the im-
14 provement;

15 (B) if the improvement is being imple-
16 mented by the Department, a schedule for im-
17 plementing the improvement; and

18 (C) if the improvement is not being imple-
19 mented by the Department, an explanation of
20 why the improvement is not being implemented.

21 (3) IMPROVEMENTS TO BE CONSIDERED.—The
22 improvements that shall be considered during the re-
23 view are the following:

24 (A) Providing a streamlined, expedited,
25 and tightly integrated iterative approach to—

- 1 (i) the identification and validation of
2 urgent operational needs;
- 3 (ii) the analysis of alternatives and
4 identification of preferred solutions;
- 5 (iii) the development and approval of
6 appropriate requirements and acquisition
7 documents;
- 8 (iv) the identification and minimiza-
9 tion of development, integration, and man-
10 ufacturing risks;
- 11 (v) the consideration of operation and
12 sustainment costs;
- 13 (vi) the allocation of appropriate fund-
14 ing; and
- 15 (vii) the rapid production and delivery
16 of required capabilities.
- 17 (B) Clearly defining the roles and respon-
18 sibilities of the Office of the Secretary of De-
19 fense, the Joint Chiefs of Staff, the military de-
20 partments, and other components of the De-
21 partment of Defense for carrying out all phases
22 of the process.
- 23 (C) Designating a senior official within the
24 Office of the Secretary of Defense with primary
25 responsibility for making recommendations to

1 the Secretary on the use of the authority pro-
2 vided by subsections (c) and (d) of section 806
3 of the Bob Stump National Defense Authoriza-
4 tion Act for Fiscal Year 2003 (10 U.S.C. 2302
5 note), as amended by section 803 of this Act,
6 in appropriate circumstances.

7 (D) Establishing a target date for the
8 fielding of a capability pursuant to each vali-
9 dated urgent operational need.

10 (E) Implementing a system for—

11 (i) documenting key process mile-
12 stones, such as funding, acquisition, field-
13 ing, and assessment decisions and actions;
14 and

15 (ii) tracking the cost, schedule, and
16 performance of acquisitions conducted pur-
17 suant to the process.

18 (F) Establishing a formal feedback mecha-
19 nism for the commanders of the combatant
20 commands to provide information to the Joint
21 Chiefs of Staff and senior acquisition officials
22 on how well fielded solutions are meeting urgent
23 operational needs.

1 (G) Establishing a dedicated source of
2 funding for the rapid fielding of capabilities in
3 response to urgent operational needs.

4 (H) Issuing guidance to provide for the ap-
5 propriate transition of capabilities acquired
6 through rapid fielding into the traditional budg-
7 et, requirements, and acquisition process for
8 purposes of contracts for follow-on production,
9 sustainment, and logistics support.

10 (I) Such other improvements as the Sec-
11 retary considers appropriate.

12 (b) DISCRIMINATING URGENT OPERATIONAL NEEDS
13 FROM TRADITIONAL REQUIREMENTS.—

14 (1) EXPEDITED REVIEW PROCESS.—Not later
15 than 270 days after the date of the enactment of
16 this Act, the Secretary shall develop and implement
17 an expedited review process to determine whether
18 capabilities proposed as urgent operational needs are
19 appropriate for fielding through the process for the
20 rapid fielding of capabilities or should be fielded
21 through the traditional acquisition process.

22 (2) ELEMENTS.—The review process developed
23 and implemented pursuant to paragraph (1) shall—

24 (A) apply to the rapid fielding of capabili-
25 ties in response to joint urgent operational need

1 statements and to other urgent operational
2 needs statements generated by the military de-
3 partments and the combatant commands;

4 (B) identify officials responsible for mak-
5 ing determinations described in paragraph (1);

6 (C) establish appropriate time periods for
7 making such determinations;

8 (D) set forth standards and criteria for
9 making such determinations based on consider-
10 ations of urgency, risk, and life-cycle manage-
11 ment;

12 (E) establish appropriate thresholds for
13 the applicability of the review process, or of ele-
14 ments of the review process; and

15 (F) authorize appropriate officials to make
16 exceptions from standards and criteria estab-
17 lished under subparagraph (D) in exceptional
18 circumstances.

19 (3) COVERED CAPABILITIES.—The review proc-
20 ess developed and implemented pursuant to para-
21 graph (1) shall provide that, subject to such excep-
22 tions as the Secretary considers appropriate for pur-
23 poses of this section, the acquisition process for
24 rapid fielding of capabilities in response to urgent

1 operational needs is appropriate only for capabilities
2 that—

3 (A) can be fielded within a period of two
4 to 24 months;

5 (B) do not require substantial development
6 effort;

7 (C) are based on technologies that are
8 proven and available; and

9 (D) can appropriately be acquired under
10 fixed price contracts.

11 (4) INCLUSION IN REPORT.—The Secretary
12 shall include a description of the expedited review
13 process implemented pursuant to paragraph (1) in
14 the report required by subsection (a).

15 **SEC. 805. ACQUISITION OF MAJOR AUTOMATED INFORMA-**
16 **TION SYSTEM PROGRAMS.**

17 (a) PROGRAM TO IMPROVE INFORMATION TECH-
18 NOLOGY PROCESSES.—

19 (1) IN GENERAL.—Chapter 131 of title 10,
20 United States Code, is amended by inserting after
21 section 2223 the following new section:

22 **“§ 2223a. Information technology acquisition plan-**
23 **ning and oversight requirements**

24 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
25 of Defense shall establish a program to improve the plan-

1 ning and oversight processes for the acquisition of major
2 automated information systems by the Department of De-
3 fense.

4 “(b) PROGRAM COMPONENTS.—The program estab-
5 lished under subsection (a) shall include—

6 “(1) a documented process for information
7 technology acquisition planning, requirements devel-
8 opment and management, project management and
9 oversight, earned value management, and risk man-
10 agement;

11 “(2) the development of appropriate metrics
12 that can be implemented and monitored on a real-
13 time basis for performance measurement of—

14 “(A) processes and development status of
15 investments in major automated information
16 system programs;

17 “(B) continuous process improvement of
18 such programs; and

19 “(C) achievement of program and invest-
20 ment outcomes;

21 “(3) a process to ensure that key program per-
22 sonnel have an appropriate level of experience, train-
23 ing, and education in the planning, acquisition, exe-
24 cution, management, and oversight of information
25 technology systems;

1 “(4) a process to ensure sufficient resources
2 and infrastructure capacity for test and evaluation
3 of information technology systems;

4 “(5) a process to ensure that military depart-
5 ments and Defense Agencies adhere to established
6 processes and requirements relating to the planning,
7 acquisition, execution, management, and oversight of
8 information technology programs and developments;
9 and

10 “(6) a process under which an appropriate De-
11 partment of Defense official may intervene or termi-
12 nate the funding of an information technology in-
13 vestment if the investment is at risk of not achieving
14 major project milestones.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 131 of such title
17 is amended by inserting after the item relating to
18 section 2223 the following new item:

“2223a. Information technology acquisition planning and oversight require-
ments.”.

19 (b) ANNUAL REPORT TO CONGRESS.—Section
20 2445b(b) of title 10, United States Code, is amended by
21 adding at the end the following new paragraphs:

22 “(5) For each major automated information
23 system program for which such information has not
24 been provided in a previous annual report—

1 “(A) a description of the business case
2 analysis (if any) that has been prepared for the
3 program and key functional requirements for
4 the program;

5 “(B) a description of the analysis of alter-
6 natives conducted with regard to the program;

7 “(C) an assessment of the extent to which
8 the program, or portions of the program, have
9 technical requirements of sufficient clarity that
10 the program, or portions of the program, may
11 be feasibly procured under firm, fixed-price con-
12 tracts;

13 “(D) the most recent independent cost es-
14 timate or cost analysis for the program pro-
15 vided by the Director of Cost Assessment and
16 Program Evaluation in accordance with section
17 2334(a)(6) of this title;

18 “(E) a certification by a Department of
19 Defense acquisition official with responsibility
20 for the program that all technical and business
21 requirements have been reviewed and validated
22 to ensure alignment with the business case; and

23 “(F) an explanation of the basis for the
24 certification described in subparagraph (E).

1 “(6) For each major automated information
2 system program for which the information required
3 under paragraph (5) has been provided in a previous
4 annual report, a summary of any significant changes
5 to the information previously provided.”.

6 **SEC. 806. REQUIREMENTS FOR INFORMATION RELATING**
7 **TO SUPPLY CHAIN RISK.**

8 (a) **AUTHORITY.**—Subject to subsection (b), the head
9 of a covered agency may—

10 (1) carry out a covered procurement action; and

11 (2) limit, notwithstanding any other provision
12 of law, in whole or in part, the disclosure of informa-
13 tion relating to the basis for carrying out a covered
14 procurement action.

15 (b) **DETERMINATION AND NOTIFICATION.**—The head
16 of a covered agency may exercise the authority provided
17 in subsection (a) only after—

18 (1) obtaining a joint recommendation by the
19 Under Secretary of Defense for Acquisition, Tech-
20 nology, and Logistics and the Chief Information Of-
21 ficer of the Department of Defense, on the basis of
22 a risk assessment by the Under Secretary of Defense
23 for Intelligence, that there is a significant supply
24 chain risk to a covered system;

1 (2) making a determination in writing, in un-
2 classified or classified form, with the concurrence of
3 the Under Secretary of Defense for Acquisition,
4 Technology, and Logistics, that—

5 (A) use of the authority in subsection
6 (a)(1) is necessary to protect national security
7 by reducing supply chain risk;

8 (B) less intrusive measures are not reason-
9 ably available to reduce such supply chain risk;
10 and

11 (C) in a case where the head of the covered
12 agency plans to limit disclosure of information
13 under subsection (a)(2), the risk to national se-
14 curity due to the disclosure of such information
15 outweighs the risk due to not disclosing such
16 information; and

17 (3) providing a classified or unclassified notice
18 of the determination made under paragraph (2) to
19 the appropriate congressional committees, which no-
20 tice shall include—

21 (A) the information required by section
22 2304(f)(3) of title 10, United States Code;

23 (B) the joint recommendation by the
24 Under Secretary of Defense for Acquisition,
25 Technology, and Logistics and the Chief Infor-

1 mation Officer of the Department of Defense as
2 specified in paragraph (1);

3 (C) a summary of the risk assessment by
4 the Under Secretary of Defense for Intelligence
5 that serves as the basis for the joint rec-
6 ommendation specified in paragraph (1); and

7 (D) a summary of the basis for the deter-
8 mination, including a discussion of less intru-
9 sive measures that were considered and why
10 they were not reasonably available to reduce
11 supply chain risk.

12 (c) DELEGATION.—The head of a covered agency
13 may not delegate the authority provided in subsection (a)
14 or the responsibility to make a determination under sub-
15 section (b) to an official below the level of the service ac-
16 quisition executive for the agency concerned.

17 (d) LIMITATION ON DISCLOSURE.—If the head of a
18 covered agency has exercised the authority provided in
19 subsection (a)(2) to limit disclosure of information—

20 (1) no action undertaken by the agency head
21 under such authority shall be subject to review in a
22 bid protest before the Government Accountability
23 Office or in any Federal court; and

24 (2) the agency head shall—

1 (A) notify appropriate parties of a covered
2 procurement action and the basis for such ac-
3 tion only to the extent necessary to effectuate
4 the covered procurement action;

5 (B) notify other Department of Defense
6 components or other Federal agencies respon-
7 sible for procurements that may be subject to
8 the same or similar supply chain risk, in a man-
9 ner and to the extent consistent with the re-
10 quirements of national security; and

11 (C) ensure the confidentiality of any such
12 notifications.

13 (e) DEFINITIONS.—In this section:

14 (1) HEAD OF A COVERED AGENCY.—The term
15 “head of a covered agency” means each of the fol-
16 lowing:

17 (A) The Secretary of Defense.

18 (B) The Secretary of the Army.

19 (C) The Secretary of the Navy.

20 (D) The Secretary of the Air Force.

21 (2) COVERED PROCUREMENT ACTION.—The
22 term “covered procurement action” means any of
23 the following actions, if the action takes place in the
24 course of conducting a covered procurement:

1 (A) The exclusion of a source that fails to
2 meet qualification standards established in ac-
3 cordance with the requirements of section 2319
4 of title 10, United States Code, for the purpose
5 of reducing supply chain risk in the acquisition
6 of covered systems.

7 (B) The exclusion of a source that fails to
8 achieve an acceptable rating with regard to an
9 evaluation factor providing for the consideration
10 of supply chain risk in the evaluation of pro-
11 posals for the award of a contract or the
12 issuance of a task or delivery order.

13 (C) The decision to withhold consent for a
14 contractor to subcontract with a particular
15 source or to direct a contractor for a covered
16 system to exclude a particular source from con-
17 sideration for a subcontract under the contract.

18 (3) COVERED PROCUREMENT.—The term “cov-
19 ered procurement” means—

20 (A) a source selection for a covered system
21 or a covered item of supply involving either a
22 performance specification, as provided in sec-
23 tion 2305(a)(1)(C)(ii) of title 10, United States
24 Code, or an evaluation factor, as provided in

1 section 2305(a)(2)(A) of such title, relating to
2 supply chain risk;

3 (B) the consideration of proposals for and
4 issuance of a task or delivery order for a cov-
5 ered system or a covered item of supply, as pro-
6 vided in section 2304e(d)(3) of title 10, United
7 States Code, where the task or delivery order
8 contract concerned includes a contract clause
9 establishing a requirement relating to supply
10 chain risk; or

11 (C) any contract action involving a con-
12 tract for a covered system or a covered item of
13 supply where such contract includes a clause es-
14 tablishing requirements relating to supply chain
15 risk.

16 (4) SUPPLY CHAIN RISK.—The term “supply
17 chain risk” means the risk that an adversary may
18 sabotage, maliciously introduce unwanted function,
19 or otherwise subvert the design, integrity, manufac-
20 turing, production, distribution, installation, oper-
21 ation, or maintenance of a covered system so as to
22 surveil, deny, disrupt, or otherwise degrade the func-
23 tion, use, or operation of such system.

24 (5) COVERED SYSTEM.—The term “covered sys-
25 tem” means a national security system, as that term

1 is defined in section 3542(b) of title 44, United
2 States Code.

3 (6) COVERED ITEM OF SUPPLY.—The term
4 “covered item of supply” means an item of informa-
5 tion technology (as that term is defined in section
6 11101 of title 40, United States Code) that is pur-
7 chased for inclusion in a covered system, and the
8 loss of integrity of which could result in a supply
9 chain risk for a covered system.

10 (7) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) in the case of a covered system in-
14 cluded in the National Intelligence Program or
15 the Military Intelligence Program, the Select
16 Committee on Intelligence of the Senate, the
17 Permanent Select Committee on Intelligence of
18 the House of Representatives, and the congress-
19 sional defense committees; and

20 (B) in the case of a covered system not
21 otherwise included in subparagraph (A), the
22 congressional defense committees.

23 (f) EFFECTIVE DATE.—The requirements of this sec-
24 tion shall take effect on the date that is 180 days after
25 the date of the enactment of this Act and shall apply to—

1 (1) contracts that are awarded on or after such
2 date; and

3 (2) task and delivery orders that are issued on
4 or after such date pursuant to contracts that award-
5 ed before, on, or after such date.

6 (g) SUNSET.—The authority provided in this section
7 shall expire on the date that is three years after the date
8 of the enactment of this Act.

9 **Subtitle B—Provisions Relating to**
10 **Major Defense Acquisition Pro-**
11 **grams**

12 **SEC. 811. COST ESTIMATES FOR PROGRAM BASELINES AND**
13 **CONTRACT NEGOTIATIONS FOR MAJOR DE-**
14 **FENSE ACQUISITION AND MAJOR AUTO-**
15 **MATED INFORMATION SYSTEM PROGRAMS.**

16 Section 2334 of title 10, United States Code, is
17 amended—

18 (1) in subsection (d)—

19 (A) in paragraph (1)—

20 (i) by striking “paragraph (2)” and
21 inserting “paragraph (3)”; and

22 (ii) by striking “, the rationale for se-
23 lecting such confidence level, and, if such
24 confidence level is less than 80 percent, the
25 justification for selecting a confidence level

1 of less than 80 percent; and” and inserting
2 “and the rationale for selecting such con-
3 fidence level;”;

4 (B) by redesignating paragraph (2) as
5 paragraph (3); and

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

8 “(2) ensure that such confidence level provides
9 a high degree of confidence that the program can be
10 completed without the need for significant adjust-
11 ment to program budgets; and”;

12 (2) by redesignating subsections (e) and (f) as
13 subsections (f) and (g), respectively; and

14 (3) by inserting after subsection (d) the fol-
15 lowing new subsection (e):

16 “(e) ESTIMATES FOR PROGRAM BASELINE AND
17 ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION
18 PURPOSES.—(1) The policies, procedures, and guidance
19 issued by the Director of Cost Assessment and Program
20 Evaluation in accordance with the requirements of sub-
21 section (a) shall provide that—

22 “(A) cost estimates developed for baseline de-
23 scriptions and other program purposes conducted
24 pursuant to subsection (a)(6) are not to be used for

1 the purpose of contract negotiations or the obliga-
2 tion of funds; and

3 “(B) cost analyses and targets developed for
4 the purpose of contract negotiations and the obliga-
5 tion of funds are based on the Government’s reason-
6 able expectation of successful contractor perform-
7 ance in accordance with the contractor’s proposal
8 and previous experience.

9 “(2) The Program Manager and contracting officer
10 for each major defense acquisition program and major
11 automated information system program shall ensure that
12 cost analyses and targets developed for the purpose of con-
13 tract negotiations and the obligation of funds are carried
14 out in accordance with the requirements of paragraph (1)
15 and the policies, procedures, and guidance issued by the
16 Director of Cost Assessment and Program Evaluation.

17 “(3) Funds that are made available for a major de-
18 fense acquisition program or major automated information
19 system program in accordance with a cost estimate con-
20 ducted pursuant to subsection (a)(6), but are excess to
21 a cost analysis or target developed pursuant to paragraph
22 (2), shall remain available for obligation in accordance
23 with the terms of applicable authorization and appropria-
24 tions Acts.

25 “(4) Funds described in paragraph (3)—

1 “(A) may be used—

2 “(i) to cover any increased program costs
3 identified by a revised cost analysis or target
4 developed pursuant to paragraph (2);

5 “(ii) to acquire additional end items in ac-
6 cordance with the requirements of section 2308
7 of this title; or

8 “(iii) to cover the cost of risk reduction
9 and process improvements; and

10 “(B) may be reprogrammed, in accordance with
11 established procedures, only if determined to be ex-
12 cess to program needs on the basis of a cost esti-
13 mate developed with the concurrence of the Director
14 of Cost Assessment and Program Evaluation.”.

15 **SEC. 812. MANAGEMENT OF MANUFACTURING RISK IN**
16 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

17 (a) **GUIDANCE REQUIRED.**—Not later than 180 days
18 after the date of the enactment of this Act, the Secretary
19 of Defense shall issue comprehensive guidance on the
20 management of manufacturing risk in major defense ac-
21 quisition programs.

22 (b) **ELEMENTS.**—The guidance issued under sub-
23 section (a) shall, at a minimum—

24 (1) require the use of manufacturing readiness
25 levels as a basis for measuring, assessing, reporting,

1 and communicating manufacturing readiness and
2 risk on major defense acquisition programs through-
3 out the Department of Defense;

4 (2) provide guidance on the definition of manu-
5 facturing readiness levels and how manufacturing
6 readiness levels should be used to assess manufac-
7 turing risk and readiness in major defense acquisi-
8 tion programs;

9 (3) specify manufacturing readiness levels that
10 should be achieved at key milestones and decision
11 points for major defense acquisition programs;

12 (4) identify tools and models that may be used
13 to assess, manage, and reduce risks that are identi-
14 fied in the course of manufacturing readiness assess-
15 ments for major defense acquisition programs; and

16 (5) require appropriate consideration of the
17 manufacturing readiness and manufacturing readi-
18 ness processes of potential contractors and sub-
19 contractors as a part of the source selection process
20 for major defense acquisition programs.

21 (c) MANUFACTURING READINESS EXPERTISE.—The
22 Secretary shall ensure that—

23 (1) the acquisition workforce chapter of the an-
24 nual strategic workforce plan required by section
25 115b of title 10, United States Code, includes an as-

1 (1) in paragraph (2), by inserting “, and not
2 later than February 15 of each year from 2011
3 through 2014” after “Not later than 180 days after
4 the date of the enactment of this Act”; and

5 (2) in paragraph (3), by striking “The first an-
6 nual report” and inserting “Each annual report
7 from 2010 through 2014”.

8 (b) CLARIFICATION THAT PROTOTYPES MAY BE AC-
9 QUIRED FROM COMMERCIAL, GOVERNMENT, OR ACA-
10 DEMIC SOURCES.—Paragraph (4) of section 203(a) of the
11 Weapon Systems Acquisition Reform Act of 2009 (Public
12 Law 111–23; 123 Stat. 1722; 10 U.S.C. 2430 note) is
13 amended to read as follows:

14 “(4) That prototypes—

15 “(A) may be required under paragraph (1)
16 or (3) for the system to be acquired or, if proto-
17 typing of the system is not feasible, for critical
18 subsystems of the system; and

19 “(B) may be acquired from commercial,
20 government, or academic sources.”.

21 (c) CLARIFICATION THAT CERTIFICATIONS ARE NOT
22 REQUIRED FOR MAJOR DEFENSE ACQUISITION PRO-
23 GRAMS FOLLOWING MILESTONE C APPROVAL.—Section
24 204(c)(2) of the Weapon Systems Acquisition Reform Act
25 of 2009 (123 Stat. 1724) is amended—

1 (1) in subparagraph (A), by striking “; and”
2 and inserting a semicolon;

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(C) has not yet achieved a Milestone C
8 approval.”.

9 (d) CLARIFICATION THAT CERTAIN MILESTONE B
10 CERTIFICATION CRITERIA MAY BE WAIVED.—

11 (1) WAIVER AUTHORITY.—Effective as of May
12 22, 2009, section 2366b(d) of title 10, United States
13 Code, as amended by section 205(a)(1) of the Weap-
14 on Systems Acquisition Reform Act of 2009 (123
15 Stat. 1724), is amended—

16 (A) in paragraph (1), by striking “speci-
17 fied in paragraph (1) or (2) of subsection (a)”
18 and inserting “specified in paragraph (1), (2),
19 or (3) of subsection (a)”; and

20 (B) in paragraph (2), by striking “speci-
21 fied in paragraphs (1) and (2) of subsection
22 (a)” and inserting “specified in paragraphs (1),
23 (2), and (3) of subsection (a)”.

24 (2) DETERMINATION REGARDING SATISFACTION
25 OF CERTIFICATION COMPONENTS.—Effective as of

1 May 22, 2009, and as if included therein as enacted,
2 section 205(b)(1) of the Weapon Systems Acquisition
3 tion Reform Act of 2009 (10 U.S.C. 2366b note) is
4 amended by striking “certification components speci-
5 fied in paragraphs (1) and (2) of subsection (a) of
6 section 2366b of title 10, United States Code” and
7 inserting “certification components specified in para-
8 graphs (1), (2), and (3) of subsection (a) of section
9 2366b of title 10, United States Code”.

10 (e) CORRECTION TO REFERENCE.—Effective as of
11 May 22, 2009, and as if included therein as enacted, sec-
12 tion 205(c) of the Weapon Systems Acquisition Reform
13 Act of 2009 (10 U.S.C. 2433a note) is amended by strik-
14 ing “section 2433a(c)(3)” and inserting “section
15 2433a(c)(1)(C)”.

16 **SEC. 814. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR**
17 **DEFENSE ACQUISITION PROGRAMS UNDER**
18 **VARIOUS ACQUISITION-RELATED REQUIRE-**
19 **MENTS.**

20 (a) REPORTING REQUIREMENTS.—Section 2430a(b)
21 of title 10, United States Code, is amended—

22 (1) by redesignating paragraphs (1) and (2) as
23 subparagraphs (A) and (B), respectively;

24 (2) by inserting “(1)” before “If the Sec-
25 retary”;

1 (3) in subparagraph (A), as so redesignated, by
2 inserting “(other than as provided in paragraph
3 (2))” before the semicolon; and

4 (4) by adding at the end the following new
5 paragraph:

6 “(2) For a major defense acquisition program for
7 which a designation of a major subprogram has been made
8 under subsection (a), unit costs under this chapter shall
9 be submitted in accordance with the definitions in sub-
10 section (d).”.

11 (b) MILESTONE A APPROVAL CERTIFICATION RE-
12 QUIREMENTS.—Section 2366a of such title is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1), by striking “a major
15 defense acquisition program certified by the
16 Milestone Decision Authority under subsection
17 (a), if the projected cost of the program” and
18 inserting “a major defense acquisition program
19 certified by the Milestone Decision Authority
20 under subsection (a) or a designated major sub-
21 program of such program, if the projected cost
22 of the program or subprogram”; and

23 (B) in paragraph (2), by inserting “or des-
24 ignated major subprogram” after “major de-
25 fense acquisition program”; and

1 (2) in subsection (c)—

2 (A) by redesignating paragraphs (2), (3),
3 (4), and (5) as paragraphs (3), (4), (5), and
4 (6), respectively; and

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

7 “(2) The term ‘designated major subprogram’
8 means a major subprogram of a major defense ac-
9 quisition program designated under section
10 2430a(a)(1) of this title.”.

11 (c) MILESTONE B APPROVAL CERTIFICATION RE-
12 QUIREMENTS.—Section 2366b of such title is amended—

13 (1) in subsection (b)(1)—

14 (A) by striking “any changes to the pro-
15 gram” and inserting “any changes to the pro-
16 gram or a designated major subprogram of
17 such program”; and

18 (B) in subparagraph (B), by striking “oth-
19 erwise cause the program” and inserting “oth-
20 erwise cause the program or subprogram”; and

21 (2) in subsection (g)—

22 (A) by redesignating paragraphs (2), (3),
23 and (4) as paragraphs (3), (4), and (5), respec-
24 tively; and

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

3 “(2) The term ‘designated major subprogram’
4 means a major subprogram of a major defense ac-
5 quisition program designated under section
6 2430a(a)(1) of this title.”.

7 (d) CONFORMING AMENDMENTS TO SECTION
8 2399.—Subsection (a) of section 2399 of such title is
9 amended to read as follows:

10 “(a) CONDITION FOR PROCEEDING BEYOND LOW-
11 RATE INITIAL PRODUCTION.—(1) The Secretary of De-
12 fense shall provide that a covered major defense acquisi-
13 tion program or a covered designated major subprogram
14 may not proceed beyond low-rate initial production until
15 initial operational test and evaluation of the program or
16 subprogram is completed.

17 “(2) In this subsection:

18 “(A) The term ‘covered major defense acquisi-
19 tion program’ means a major defense acquisition
20 program that involves the acquisition of a weapon
21 system that is a major system within the meaning
22 of that term in section 2302(5) of this title.

23 “(B) The term ‘covered designated major sub-
24 program’ means a major subprogram designated
25 under section 2430a(a)(1) of this title that is a

1 major subprogram of a covered major defense acqui-
2 sition program.”.

3 (e) CONFORMING AMENDMENTS TO SECTION
4 2434.—Section 2434(a) of such title is amended—

5 (1) by inserting “(1)” before “The Secretary of
6 Defense”; and

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

9 “(2) The provisions of this section shall apply to any
10 major subprogram of a major defense acquisition program
11 (as designated under section 2430a(a)(1) of this title) in
12 the same manner as those provisions apply to a major de-
13 fense acquisition program, and any reference in this sec-
14 tion to a program shall be treated as including such a sub-
15 program.”.

16 **Subtitle C—Amendments to Gen-**
17 **eral Contracting Authorities,**
18 **Procedures, and Limitations**

19 **SEC. 821. PROVISIONS RELATING TO FIRE RESISTANT**
20 **FIBER FOR PRODUCTION OF MILITARY UNI-**
21 **FORMS.**

22 (a) EXTENSION.—Section 829 of the National De-
23 fense Authorization Act for Fiscal Year 2008 (Public Law
24 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is amend-
25 ed in subsection (f) by striking “on the date that is five

1 years after the date of the enactment of this Act” and
2 inserting “on January 1, 2015”.

3 (b) PROHIBITION ON SPECIFICATION IN SOLICITA-
4 TIONS.—No solicitation issued before January 1, 2015, by
5 the Department of Defense may include a requirement
6 that proposals submitted pursuant to such solicitation
7 must include the use of fire resistant rayon fiber.

8 (c) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than March 15,
10 2011, the Comptroller General of the United States
11 shall submit to the Committees on Armed Services
12 of the Senate and the House of Representatives a
13 report on the supply chain for fire resistant fiber for
14 the production of military uniforms.

15 (2) ELEMENTS.—The report required by para-
16 graph (1) shall include, at a minimum, an analysis
17 of the following:

18 (A) The current and anticipated sources of
19 fire resistant rayon fiber for the production of
20 military uniforms.

21 (B) The extent to which fire resistant
22 rayon fiber has unique properties that provide
23 advantages for the production of military uni-
24 forms.

1 (C) The extent to which the efficient pro-
2 curement of fire resistant rayon fiber for the
3 production of military uniforms is impeded by
4 existing statutory or regulatory requirements.

5 (D) The actions the Department of De-
6 fense has taken to identify alternatives to fire
7 resistant rayon fiber for the production of mili-
8 tary uniforms.

9 (E) The extent to which such alternatives
10 provide an adequate substitute for fire resistant
11 rayon fiber for the production of military uni-
12 forms.

13 (F) The impediments to the use of such al-
14 ternatives, and the actions the Department has
15 taken to overcome such impediments.

16 (G) The extent to which uncertainty re-
17 garding the future availability of fire resistant
18 rayon fiber results in instability or inefficiency
19 for elements of the United States textile indus-
20 try that use fire resistant rayon fiber, and the
21 extent to which that instability or inefficiency
22 results in less efficient business practices, im-
23 pedes investment and innovation, and thereby
24 results or may result in higher costs, delayed

1 delivery, or a lower quality of product delivered
2 to the Government.

3 (H) The extent to which any modifications
4 to existing law or regulation may be necessary
5 to ensure the efficient acquisition of fire resist-
6 ant fiber or alternative fire resistant products
7 for the production of military uniforms.

8 **SEC. 822. REPEAL OF REQUIREMENT FOR CERTAIN PRO-**
9 **CUREMENTS FROM FIRMS IN THE SMALL**
10 **ARMS PRODUCTION INDUSTRIAL BASE.**

11 (a) REPEAL.—Section 2473 of title 10, United States
12 Code, is repealed.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 146 of such title is amended
15 by striking the item relating to section 2473.

16 **SEC. 823. REVIEW OF REGULATORY DEFINITION RELATING**
17 **TO PRODUCTION OF SPECIALTY METALS.**

18 (a) REVIEW REQUIRED.—The Secretary of Defense
19 shall review the regulations specified in subsection (b) to
20 ensure that the definition of the term “produce” in such
21 regulations complies with the requirements of section
22 2533b of title 10, United States Code. In carrying out
23 the review, the Secretary shall seek public comment, con-
24 sider congressional intent, and revise the regulations as
25 the Secretary considers necessary and appropriate.

1 (b) REGULATIONS SPECIFIED.—The regulations re-
2 ferred to in subsection (a) are any portion of subpart
3 252.2 of the defense supplement to the Federal Acquisi-
4 tion Regulation that includes a definition of the term
5 “produce” for purposes of implementing section 2533b of
6 title 10, United States Code.

7 (c) COMPLETION OF REVIEW.—The Secretary shall
8 complete the review required by subsection (a) and any
9 necessary and appropriate revisions to the defense supple-
10 ment to the Federal Acquisition Regulation not later than
11 270 days after the date of the enactment of this Act.

12 **SEC. 824. GUIDANCE RELATING TO RIGHTS IN TECHNICAL**
13 **DATA.**

14 (a) REVIEW OF GUIDANCE.—Not later than 180 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall review guidance issued by the military
17 departments on the implementation of section 2320(e) of
18 title 10, United States Code, to ensure that such guidance
19 is consistent with the guidance issued by the Under Sec-
20 retary of Defense for Acquisition, Technology, and Logis-
21 tics and the requirements of this section. Such guidance
22 shall be designed to ensure that the United States—

23 (1) preserves the option of competition for con-
24 tracts for the production and sustainment of systems
25 or subsystems that are developed exclusively with

1 Federal funds as defined in accordance with the
2 amendments made by this section; and

3 (2) is not required to pay more than once for
4 the same technical data.

5 (b) RIGHTS IN TECHNICAL DATA.—Section 2320(a)
6 of title 10, United States Code, is amended—

7 (1) in paragraph (2)(F)(i)—

8 (A) by redesignating subclauses (I) and
9 (II) as subclauses (II) and (III), respectively;
10 and

11 (B) by inserting before subclause (II), as
12 so redesignated, the following new subclause
13 (I):

14 “(I) rights in technical data described
15 in subparagraph (A) for which a use or re-
16 lease restriction has been erroneously as-
17 serted by a contractor or subcontractor;”;
18 and

19 (2) in paragraph (3), by striking “for the pur-
20 poses of definitions under this paragraph” and in-
21 serting “for the purposes of paragraph (2)(B), but
22 shall be considered to be Federal funds for the pur-
23 poses of paragraph (2)(A)”.

1 (c) VALIDATION OF PROPRIETARY DATA RESTRIC-
2 TIONS.—Section 2321(d)(2) of title 10, United States
3 Code, is amended—

4 (1) in subparagraph (A), by striking “A chal-
5 lenge” and inserting “Except as provided in sub-
6 paragraph (C), a challenge”; and

7 (2) by adding at the end the following new sub-
8 paragraph (C):

9 “(C) The limitation in this paragraph shall not apply
10 to a case in which the Secretary finds that reasonable
11 grounds exist to believe that a contractor or subcontractor
12 has erroneously asserted a use or release restriction with
13 regard to technical data described in section
14 2320(a)(2)(A) of this title.”.

15 **SEC. 825. EXTENSION OF SUNSET DATE FOR CERTAIN PRO-**
16 **TESTS OF TASK AND DELIVERY ORDER CON-**
17 **TRACTS.**

18 Paragraph (3) of section 2304c(e) of title 10, United
19 States Code, is amended to read as follows:

20 “(3) Paragraph (1)(B) and paragraph (2) of this sub-
21 section shall not be in effect after September 30, 2016.”.

1 **SEC. 826. INCLUSION OF OPTION AMOUNTS IN LIMITA-**
2 **TIONS ON AUTHORITY OF THE DEPARTMENT**
3 **OF DEFENSE TO CARRY OUT CERTAIN PRO-**
4 **TOTYPE PROJECTS.**

5 Section 845 of the National Defense Authorization
6 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-
7 ed—

8 (1) in subsection (a)(2)—

9 (A) in subparagraph (A), by inserting “(in-
10 cluding all options)” after “not in excess of
11 \$100,000,000”; and

12 (B) in subparagraph (B), by inserting
13 “(including all options)” after “in excess of
14 \$100,000,000”; and

15 (2) in subsection (e)(3)(A), by inserting “(in-
16 cluding all options)” after “does not exceed
17 \$50,000,000”.

18 **SEC. 827. PERMANENT AUTHORITY FOR DEFENSE ACQUISI-**
19 **TION CHALLENGE PROGRAM; PILOT EXPAN-**
20 **SION OF PROGRAM.**

21 (a) PERMANENT AUTHORITY.—Section 2359b of title
22 10, United States Code, is amended—

23 (1) by striking subsections (j) and (k); and

24 (2) by redesignating subsection (l) as subsection
25 (j).

1 (b) PILOT PROGRAM.—Section 2359b of title 10,
2 United States Code, as amended by subsection (a), is fur-
3 ther amended by adding at the end the following new sub-
4 section (k):

5 “(k) PILOT PROGRAM FOR PROGRAMS OTHER THAN
6 MAJOR DEFENSE ACQUISITION PROGRAMS.—

7 “(1) IN GENERAL.—The Under Secretary of
8 Defense for Acquisition, Technology, and Logistics
9 shall carry out a pilot program to expand the use of
10 the authority provided in this section to provide op-
11 portunities for the introduction of innovative and
12 cost-saving approaches to programs other than
13 major defense acquisition programs through the sub-
14 mission, review, and implementation, where appro-
15 priate, of qualifying proposals.

16 “(2) QUALIFYING PROPOSALS.—For purposes
17 of this subsection, a qualifying proposal is an offer
18 to supply a nondevelopmental item that—

19 “(A) is evaluated as achieving a level of
20 performance that is at least equal to the level
21 of performance of an item being procured under
22 a covered acquisition program and as providing
23 savings in excess of 15 percent after consid-
24 ering all costs to the Government of imple-
25 menting such proposal; or

1 “(B) is evaluated as achieving a level of
2 performance that is significantly better than the
3 level of performance of an item being procured
4 under a covered acquisition program without
5 any increase in cost to the Government.

6 “(3) REVIEW PROCEDURES.—The Under Sec-
7 retary shall adopt modifications as may be needed to
8 the procedures applicable to the Challenge Program
9 to provide for Department of Defense review of, and
10 action on, qualifying proposals. Such procedures
11 shall include, at a minimum, the issuance of a broad
12 agency announcement inviting interested parties to
13 submit qualifying proposals in areas of interest to
14 the Department.

15 “(4) DEFINITIONS.—In this subsection:

16 “(A) NONDEVELOPMENTAL ITEM.—The
17 term ‘nondevelopmental item’ has the meaning
18 given that term in section 4 of the Office of
19 Federal Procurement Policy Act (41 U.S.C.
20 403).

21 “(B) COVERED ACQUISITION PROGRAM.—
22 The term ‘covered acquisition program’ means
23 any acquisition program of the Department of
24 Defense other than a major defense acquisition
25 program, but does not include any contract

1 awarded under an exception to competitive ac-
2 quisition authorized by the Small Business Act
3 (15 U.S.C. 631 et seq.)

4 “(C) LEVEL OF PERFORMANCE.—The
5 term ‘level of performance’, with respect to a
6 nondevelopmental item, means the extent to
7 which the item demonstrates required item
8 functional characteristics.

9 “(5) SUNSET.—The authority to carry out the
10 pilot program under this subsection shall terminate
11 on the date that is five years after the date of the
12 enactment of this Act.”.

13 **SEC. 828. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

14 (a) COMPETITION REQUIREMENTS FOR TASK OR DE-
15 LIVERY ORDERS UNDER ENERGY SAVINGS PERFORM-
16 ANCE CONTRACTS.—Section 801 of the National Energy
17 Conservation Policy Act (42 U.S.C. 8287) is amended by
18 adding at the end the following:

19 “(c) TASK OR DELIVERY ORDERS.—(1) The head of
20 a Federal agency may issue a task or delivery order under
21 an energy savings performance contract by—

22 “(A) notifying all contractors that have received
23 an award under such contract that the agency pro-
24 poses to discuss energy savings performance services
25 for some or all of its facilities and, following a rea-

1 sonable period of time to provide a proposal in re-
2 sponse to the notice, soliciting from such contractors
3 the submission of expressions of interest in, and con-
4 tractor qualifications for, performing site surveys or
5 investigations and feasibility designs and studies,
6 and including in the notice summary information
7 concerning energy use for any facilities that the
8 agency has specific interest in including in such task
9 or delivery order;

10 “(B) reviewing all expressions of interest and
11 qualifications submitted pursuant to the notice
12 under subparagraph (A);

13 “(C) selecting two or more contractors (from
14 among those reviewed under subparagraph (B)) to
15 conduct discussions concerning the contractors’ re-
16 spective qualifications to implement potential energy
17 conservation measures, including—

18 “(i) requesting references and specific de-
19 tailed examples with respect to similar efforts
20 and the resulting energy savings of such similar
21 efforts; and

22 “(ii) requesting an explanation of how such
23 similar efforts relate to the scope and content
24 of the task or delivery order concerned;

25 “(D) selecting and authorizing—

1 “(i) more than one contractor (from
2 among those selected under subparagraph (C))
3 to conduct site surveys, investigations, feasi-
4 bility designs and studies, or similar assess-
5 ments for the energy savings performance con-
6 tract services (or for discrete portions of such
7 services), for the purpose of allowing each such
8 contractor to submit a firm, fixed-price proposal
9 to implement specific energy conservation meas-
10 ures; or

11 “(ii) one contractor (from among those se-
12 lected under subparagraph (C)) to conduct a
13 site survey, investigation, feasibility design and
14 study, or similar assessment for the purpose of
15 allowing the contractor to submit a firm, fixed-
16 price proposal to implement specific energy con-
17 servation measures;

18 “(E) providing a debriefing to any contractor
19 not selected under subparagraph (D);

20 “(F) negotiating a task or delivery order for en-
21 ergy savings performance contracting services with
22 the contractor or contractors selected under sub-
23 paragraph (D) based on the energy conservation
24 measures identified; and

1 “(G) issuing a task or delivery order for energy
 2 savings performance contracting services to such
 3 contractor or contractors.

4 “(2) The issuance of a task or delivery order for en-
 5 ergy savings performance contracting services pursuant to
 6 paragraph (1) is deemed to satisfy the task and delivery
 7 order competition requirements in section 2304c(d) of title
 8 10, United States Code, and section 303J(d) of the Fed-
 9 eral Property and Administrative Services Act of 1949 (41
 10 U.S.C. 253j(d)).

11 “(3) The Secretary may issue guidance as necessary
 12 to agencies issuing task or delivery orders pursuant to
 13 paragraph (1).”.

14 (b) EFFECTIVE DATE.—The amendment made by
 15 subsection (a) is inapplicable to task or delivery orders
 16 issued before the date of enactment of this Act.

17 **SEC. 829. DEFINITION OF MATERIALS CRITICAL TO NA-**
 18 **TIONAL SECURITY.**

19 (a) DEFINITIONS.—Section 187 of title 10, United
 20 States Code, is amended by adding at the end the fol-
 21 lowing new subsection:

22 “(e) DEFINITIONS.—In this section:

23 “(1) The term ‘materials critical to national se-
 24 curity’ means materials—

1 “(A) upon which the production or
2 sustainment of military equipment is depend-
3 ent; and

4 “(B) the supply of which could be re-
5 stricted by actions or events outside the control
6 of the Government of the United States.

7 “(2) The term ‘military equipment’ means
8 equipment used directly by the armed forces to carry
9 out military operations.

10 “(3) The term ‘secure supply’, with respect to
11 a material, means the availability of a source or
12 sources for the material, including the full supply
13 chain for the material and components containing
14 the material.”.

15 (b) AMENDMENT RELATING TO DUTIES.—Subsection
16 (b) of section 187 of such title is amended to read as fol-
17 lows:

18 “(b) DUTIES.—In addition to other matters assigned
19 to it by the Secretary of Defense, the Board shall—

20 “(1) determine the need to provide a long term
21 secure supply of materials designated as critical to
22 national security to ensure that national defense
23 needs are met;

24 “(2) analyze the risk associated with each mate-
25 rial designated as critical to national security and

1 the effect on national defense that the nonavail-
2 ability of such material would have;

3 “(3) recommend a strategy to the President to
4 ensure a secure supply of materials designated as
5 critical to national security;

6 “(4) recommend such other strategies to the
7 President as the Board considers appropriate to
8 strengthen the industrial base with respect to mate-
9 rials critical to national security; and

10 “(5) publish not less frequently than once every
11 two years in the Federal Register recommendations
12 regarding materials critical to national security, in-
13 cluding a list of specialty metals, if any, rec-
14 ommended for addition to, or removal from, the defi-
15 nition of ‘specialty metal’ for purposes of section
16 2533b of this title.”.

17 **Subtitle D—Contractor Matters**

18 **SEC. 831. OVERSIGHT AND ACCOUNTABILITY OF CONTRAC-** 19 **TORS PERFORMING PRIVATE SECURITY** 20 **FUNCTIONS IN AREAS OF COMBAT OPER-** 21 **ATIONS.**

22 (a) ENHANCEMENT OF OVERSIGHT AND ACCOUNT-
23 ABILITY.—Section 862 of the National Defense Authoriza-
24 tion Act for Fiscal Year 2008 (Public Law 110–181; 10
25 U.S.C. 2302 note) is amended—

1 (1) in subsection (b)(2)—

2 (A) in subparagraph (A), by striking
3 “comply with regulations” and inserting “en-
4 sure that the contractor and all employees of
5 the contractor or any subcontractor who are re-
6 sponsible for performing private security func-
7 tions under such contract comply with regula-
8 tions”;

9 (B) in subparagraph (B)—

10 (i) by striking “comply with” and all
11 that follows through “in accordance with”
12 and inserting “ensure that the contractor
13 and all employees of the contractor or any
14 subcontractor who are responsible for per-
15 forming private security functions under
16 such contract comply with”; and

17 (ii) by striking “and” at the end;

18 (C) in subparagraph (C), by striking the
19 period at the end and inserting “; and”; and

20 (D) by adding at the end the following new
21 subparagraph:

22 “(D) ensure that the contract clause is in-
23 cluded in subcontracts awarded to any subcon-
24 tractor at any tier who is responsible for per-

1 forming private security functions under the
2 contract.”;

3 (2) by redesignating subsections (c) and (d) as
4 subsections (f) and (g), respectively; and

5 (3) by inserting after subsection (b) the fol-
6 lowing new subsections:

7 “(c) OVERSIGHT.—It shall be the responsibility of the
8 head of the contracting activity responsible for each cov-
9 ered contract to ensure that the contracting activity takes
10 appropriate steps to assign sufficient oversight personnel
11 to the contract to—

12 “(1) ensure that the contractor responsible for
13 performing private security functions under such
14 contract comply with the regulatory requirements
15 prescribed pursuant to subsection (a) and the con-
16 tract requirements established pursuant to sub-
17 section (b); and

18 “(2) make the determinations required by sub-
19 section (d).

20 “(d) REMEDIES.—The failure of a contractor under
21 a covered contract to comply with the requirements of the
22 regulations prescribed under subsection (a) or the contract
23 clause inserted in a covered contract pursuant to sub-
24 section (b), as determined by the contracting officer for
25 the covered contract—

1 “(1) shall be included in appropriate databases
2 of past performance and considered in any responsi-
3 bility determination or evaluation of the past per-
4 formance of the contractor for the purpose of a con-
5 tract award decision, as provided in section 6(j) of
6 the Office of Federal Procurement Policy Act (41
7 U.S.C. 405(j));

8 “(2) in the case of an award fee contract—

9 “(A) shall be considered in any evaluation
10 of contract performance by the contractor for
11 the relevant award fee period; and

12 “(B) may be a basis for reducing or deny-
13 ing award fees for such period, or for recov-
14 ering all or part of award fees previously paid
15 for such period; and

16 “(3) in the case of a failure to comply that is
17 severe, prolonged, or repeated—

18 “(A) shall be referred to the suspension or
19 debarment official for the appropriate agency;
20 and

21 “(B) may be a basis for suspension or de-
22 barment of the contractor.

23 “(e) RULE OF CONSTRUCTION.—The duty of a con-
24 tractor under a covered contract to comply with the re-
25 quirements of the regulations prescribed under subsection

1 (a) and the contract clause inserted into a covered con-
2 tract pursuant to subsection (b), and the availability of
3 the remedies provided in subsection (d), shall not be re-
4 duced or diminished by the failure of a higher or lower
5 tier contractor under such contract to comply with such
6 requirements, or by a failure of the contracting activity
7 to provide the oversight required by subsection (c).”.

8 (b) REVISED REGULATIONS AND CONTRACT
9 CLAUSE.—

10 (1) DEADLINE FOR REGULATIONS.—Not later
11 than 60 days after the date of the enactment of this
12 Act, the Secretary of Defense shall revise the regula-
13 tions prescribed pursuant to section 862 of the Na-
14 tional Defense Authorization Act for Fiscal Year
15 2008 (Public Law 110–181; 10 U.S.C. 2302 note)
16 to incorporate the requirements of the amendments
17 made by subsection (a).

18 (2) COMMENCEMENT OF APPLICABILITY OF RE-
19 VISIONS.—The revision of regulations under para-
20 graph (1) shall apply to the following:

21 (A) Any contract that is awarded on or
22 after the date that is 120 days after the date
23 of the enactment of this Act.

24 (B) Any task or delivery order that is
25 issued on or after the date that is 120 days

1 after the date of the enactment of this Act pur-
2 suant to a contract that is awarded before, on,
3 or after the date that is 120 days after the date
4 of the enactment of this Act.

5 (3) COMMENCEMENT OF INCLUSION OF CON-
6 TRACT CLAUSE.—A contract clause that reflects the
7 revision of regulations required by the amendments
8 made by subsection (a) shall be inserted, as required
9 by such section 862, into the following:

10 (A) Any contract described in paragraph
11 (2)(A).

12 (B) Any task or delivery order described in
13 paragraph (2)(B).

14 **SEC. 832. EXTENSION OF REGULATIONS ON CONTRACTORS**
15 **PERFORMING PRIVATE SECURITY FUNC-**
16 **TIONS TO AREAS OF OTHER SIGNIFICANT**
17 **MILITARY OPERATIONS.**

18 (a) AREAS OF OTHER SIGNIFICANT MILITARY OPER-
19 ATIONS.—Section 862 of the National Defense Authoriza-
20 tion Act for Fiscal Year 2008 (Public Law 110–181; 10
21 U.S.C. 2302 note), as amended by section 831, is further
22 amended—

23 (1) by striking “combat operations” each place
24 it appears and inserting “combat operations or other
25 significant military operations”; and

1 (2) in subsection (f), as redesignated by such
2 section 831—

3 (A) by redesignating paragraphs (2), (3),
4 and (4) as paragraphs (3), (4), and (5), respec-
5 tively;

6 (B) in paragraph (1)—

7 (i) by inserting “either” after “consti-
8 tuting”; and

9 (ii) by adding at the end the fol-
10 lowing: “In making designations under this
11 paragraph, the Secretary shall ensure that
12 an area is not designated in whole or part
13 as both an area of combat operations and
14 an area of other significant military oper-
15 ations.”; and

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

18 “(2) OTHER SIGNIFICANT MILITARY OPER-
19 ATIONS.—For purposes of this section, the term
20 ‘other significant military operations’ means activi-
21 ties, other than combat operations, as part of an
22 overseas contingency operation that are carried out
23 by United States Armed Forces in an uncontrolled
24 or unpredictable high-threat environment where per-

1 sonnel performing security functions may be called
2 upon to use deadly force.”.

3 (b) ADDITIONAL AREAS CONSIDERED FOR DESIGNA-
4 TION.—

5 (1) DETERMINATION REQUIRED FOR CERTAIN
6 AREAS.—Not later than 150 days after the date of
7 the enactment of this Act, the Secretary of Defense
8 shall make a written determination for each of the
9 following areas regarding whether or not the area
10 constitutes an area of combat operations or an area
11 of other significant military operations for purposes
12 of designation as such an area under section 862 of
13 the National Defense Authorization Act for Fiscal
14 Year 2008 (Public Law 110–181; 10 U.S.C. 2302
15 note), as amended by this section:

16 (A) The Horn of Africa region.

17 (B) Yemen.

18 (C) The Philippines.

19 (2) SUBMISSION TO CONGRESS.—Not later than
20 180 days after the date of the enactment of this Act,
21 the Secretary of Defense shall submit to the con-
22 gressional defense committees a copy of each written
23 determination under paragraph (1), together with an
24 explanation of the basis for such determination.

1 (c) LIMITATION AND EXCEPTION.—Section 862 of
2 the National Defense Authorization Act for Fiscal Year
3 2008 (Public Law 110–181; 10 U.S.C. 2302 note), as
4 amended by subsection (a) and by section 831, is further
5 amended—

6 (1) by redesignating subsection (g), as redesign-
7 nated by such section 831, as subsection (h) and in-
8 serting after subsection (f) the following new sub-
9 section (g):

10 “(g) LIMITATION.—With respect to an area of other
11 significant military operations, the requirements of this
12 section shall apply only upon agreement of the Secretary
13 of Defense and the Secretary of State. An agreement of
14 the Secretaries under this subsection may be made only
15 on an area-by-area basis. With respect to an area of com-
16 bat operations, the requirements of this section shall al-
17 ways apply.”; and

18 (2) in subsection (h), as so redesignated—

19 (A) by striking the subsection designation
20 and “EXCEPTION.—” and inserting the fol-
21 lowing:

22 “(h) EXCEPTIONS.—

23 “(1) INTELLIGENCE ACTIVITIES.—”; and

24 (B) by adding at the end the following new
25 paragraph:

1 “(2) NONGOVERNMENTAL ORGANIZATIONS.—

2 The requirements of this section shall not apply to
3 a nonprofit nongovernmental organization receiving
4 grants or cooperative agreements for activities con-
5 ducted within an area of other significant military
6 operations if the Secretary of Defense and the Sec-
7 retary of State agree that such organization may be
8 exempted. An exemption may be granted by the
9 agreement of the Secretaries under this paragraph
10 on an organization-by-organization or area-by-area
11 basis. Such an exemption may not be granted with
12 respect to an area of combat operations.”.

13 (d) REPORT ON IMPLEMENTATION.—Not later than
14 180 days after a designation of an area as an area of com-
15 bat operations or an area of other significant military op-
16 erations pursuant to subsection (b)(2), the Secretary of
17 Defense, in coordination with the Secretary of State, shall
18 submit to Congress a report on steps taken or planned
19 to be taken to implement the regulations prescribed under
20 section 862 of the National Defense Authorization Act for
21 Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302
22 note) in such area. In the case of any agreement by the
23 Secretaries to limit the applicability of such section or ex-
24 empt nongovernmental organizations from such section,
25 pursuant to subsections (g) or (h)(1) of such section (as

1 added by subsection (c)), the report shall document the
2 basis for such agreement.

3 **SEC. 833. STANDARDS AND CERTIFICATION FOR PRIVATE**
4 **SECURITY CONTRACTORS.**

5 (a) REVIEW OF THIRD-PARTY STANDARDS AND CER-
6 TIFICATION PROCESSES.—Not later than 90 days after
7 the date of the enactment of this Act, the Secretary of
8 Defense shall—

9 (1) determine whether the private sector has
10 developed—

11 (A) operational and business practice
12 standards applicable to private security contrac-
13 tors; and

14 (B) third-party certification processes for
15 determining whether private security contrac-
16 tors adhere to standards described in subpara-
17 graph (A); and

18 (2) review any standards and processes identi-
19 fied pursuant to paragraph (1) to determine whether
20 the application of such standards and processes will
21 make a substantial contribution to the successful
22 performance of private security functions in areas of
23 combat operations or other significant military oper-
24 ations.

1 (b) REVISED REGULATIONS.—Not later than 270
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense shall revise the regulations promulgated
4 under section 862 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
6 2302 note) to ensure that such regulations—

7 (1) establish criteria for defining standard prac-
8 tices for the performance of private security func-
9 tions, which shall reflect input from industry rep-
10 resentatives as well as the Inspector General of the
11 Department of Defense; and

12 (2) establish criteria for weapons training pro-
13 grams for contractors performing private security
14 functions, including minimum requirements for
15 weapons training programs of instruction and min-
16 imum qualifications for instructors for such pro-
17 grams.

18 (c) INCLUSION OF THIRD-PARTY STANDARDS AND
19 CERTIFICATIONS IN REVISED REGULATIONS.—

20 (1) STANDARDS.—If the Secretary determines
21 that the application of operational and business
22 practice standards identified pursuant to subsection
23 (a)(1)(A) will make a substantial contribution to the
24 successful performance of private security functions
25 in areas of combat operations or other significant

1 military operations, the revised regulations promul-
2 gated pursuant to subsection (b) shall incorporate a
3 requirement to comply with such standards, subject
4 to such exceptions as the Secretary may determine
5 to be necessary.

6 (2) CERTIFICATIONS.—If the Secretary deter-
7 mines that the application of a third-party certifi-
8 cation process identified pursuant to subsection
9 (a)(1)(B) will make a substantial contribution to the
10 successful performance of private security functions
11 in areas of combat operations or other significant
12 military operations, the revised regulations promul-
13 gated pursuant to subsection (b) may provide for the
14 consideration of such certifications as a factor in the
15 evaluation of proposals for award of a covered con-
16 tract for the provision of private security functions,
17 subject to such exceptions as the Secretary may de-
18 termine to be necessary.

19 (d) DEFINITIONS.—In this section:

20 (1) COVERED CONTRACT.—The term “covered
21 contract” means—

22 (A) a contract of the Department of De-
23 fense for the performance of services;

24 (B) a subcontract at any tier under such
25 a contract; or

1 (C) a task order or delivery order issued
2 under such a contract or subcontract.

3 (2) CONTRACTOR.—The term “contractor”
4 means, with respect to a covered contract, the con-
5 tractor or subcontractor carrying out the covered
6 contract.

7 (3) PRIVATE SECURITY FUNCTIONS.—The term
8 “private security functions” means activities en-
9 gaged in by a contractor under a covered contract as
10 follows:

11 (A) Guarding of personnel, facilities, or
12 property of a Federal agency, the contractor or
13 subcontractor, or a third party.

14 (B) Any other activity for which personnel
15 are required to carry weapons in the perform-
16 ance of their duties.

17 (e) EXCEPTION.—The requirements of this section
18 shall not apply to contracts entered into by elements of
19 the intelligence community in support of intelligence ac-
20 tivities.

1 **SEC. 834. ENHANCEMENTS OF AUTHORITY OF SECRETARY**
2 **OF DEFENSE TO REDUCE OR DENY AWARD**
3 **FEEES TO COMPANIES FOUND TO JEOPARDIZE**
4 **THE HEALTH OR SAFETY OF GOVERNMENT**
5 **PERSONNEL.**

6 (a) EXPANSION OF DISPOSITIONS SUBJECT TO AU-
7 THORITY.—Section 823 of the National Defense Author-
8 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
9 Stat. 2412; 10 U.S.C. 2302 note) is amended—

10 (1) in subsection (c), by adding at the end the
11 following new paragraph:

12 “(5) In an administrative proceeding, a final
13 determination of contractor fault by the Secretary of
14 Defense pursuant to subsection (d).”;

15 (2) by redesignating subsections (d) and (e) as
16 subsections (e) and (f), respectively; and

17 (3) by inserting after subsection (c) the fol-
18 lowing new subsection (d):

19 “(d) DETERMINATIONS OF CONTRACTOR FAULT BY
20 SECRETARY OF DEFENSE.—

21 “(1) IN GENERAL.—In any case described by
22 paragraph (2), the Secretary of Defense shall—

23 “(A) provide for an expeditious inde-
24 pendent investigation of the causes of the seri-
25 ous bodily injury or death alleged to have been

1 caused by the contractor as described in that
2 paragraph; and

3 “(B) make a final determination, pursuant
4 to procedures established by the Secretary for
5 purposes of this subsection, whether the con-
6 tractor, in the performance of a covered con-
7 tract, caused such serious bodily injury or death
8 through gross negligence or with reckless dis-
9 regard for the safety of civilian or military per-
10 sonnel of the Government.

11 “(2) COVERED CASES.—A case described in this
12 paragraph is any case in which the Secretary has
13 reason to believe that—

14 “(A) a contractor, in the performance of a
15 covered contract, may have caused the serious
16 bodily injury or death of any civilian or military
17 personnel of the Government; and

18 “(B) such contractor is not subject to the
19 jurisdiction of United States courts.

20 “(3) CONSTRUCTION OF DETERMINATION.—A
21 final determination under this subsection may be
22 used only for the purpose of evaluating contractor
23 performance, and shall not be determinative of fault
24 for any other purpose.”.

1 (b) DEFINITION OF CONTRACTOR.—Paragraph (1) of
2 subsection (e) of such section, as redesignated by sub-
3 section (a)(2) of this section, is amended to read as fol-
4 lows:

5 “(1) The term ‘contractor’ means a company
6 awarded a covered contract and a subcontractor at
7 any tier under such contract.”.

8 (c) TECHNICAL AMENDMENT.—Subsection (c) of
9 such section is further amended in the matter preceding
10 paragraph (1) by striking “subsection (a)” and inserting
11 “subsection (b)”.

12 (d) INCLUSION OF DETERMINATIONS OF CON-
13 TRACTOR FAULT IN DATABASE FOR FEDERAL AGENCY
14 CONTRACT AND GRANT OFFICERS AND SUSPENSION AND
15 DEBARMENT OFFICIALS.—Section 872(c)(1) of the Dun-
16 can Hunter National Defense Authorization Act for Fiscal
17 Year 2009 (Public Law 110–417; 122 Stat. 4556) is
18 amended by adding at the end the following new subpara-
19 graph:

20 “(E) In an administrative proceeding, a
21 final determination of contractor fault by the
22 Secretary of Defense pursuant to section
23 823(d) of the National Defense Authorization
24 Act for Fiscal Year 2010 (10 U.S.C. 2302
25 note).”.

1 (e) EFFECTIVE DATE.—The requirements of section
2 823 of the National Defense Authorization Act for Fiscal
3 Year 2010, as amended by subsections (a) through (c),
4 shall apply with respect to the following:

5 (1) Any contract entered into on or after the
6 date of the enactment of this Act.

7 (2) Any task order or delivery order issued on
8 or after the date of the enactment of this Act under
9 a contract entered into before, on, or after that date.

10 **SEC. 835. ANNUAL JOINT REPORT AND COMPTROLLER**

11 **GENERAL REVIEW ON CONTRACTING IN IRAQ**

12 **AND AFGHANISTAN.**

13 Section 863 of the National Defense Authorization
14 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
15 2302 note) is amended to read as follows:

16 **“SEC. 863. ANNUAL JOINT REPORT AND COMPTROLLER**

17 **GENERAL REVIEW ON CONTRACTING IN IRAQ**

18 **AND AFGHANISTAN.**

19 **“(a) JOINT REPORT REQUIRED.—**

20 **“(1) IN GENERAL.—**Except as provided in para-
21 graph (6), every 12 months, the Secretary of De-
22 fense, the Secretary of State, and the Administrator
23 of the United States Agency for International Devel-
24 opment shall submit to the relevant committees of

1 Congress a joint report on contracts in Iraq or Af-
2 ghanistan.

3 “(2) PRIMARY MATTERS COVERED.—A report
4 under this subsection shall, at a minimum, cover the
5 following with respect to contracts in Iraq and Af-
6 ghanistan during the reporting period:

7 “(A) Total number of contracts awarded.

8 “(B) Total number of active contracts.

9 “(C) Total value of all contracts awarded.

10 “(D) Total value of active contracts.

11 “(E) The extent to which such contracts
12 have used competitive procedures.

13 “(F) Total number of contractor personnel
14 working on contracts at the end of each quarter
15 of the reporting period.

16 “(G) Total number of contractor personnel
17 who are performing security functions at the
18 end of each quarter of the reporting period.

19 “(H) Total number of contractor personnel
20 killed or wounded.

21 “(3) ADDITIONAL MATTERS COVERED.—A re-
22 port under this subsection shall also cover the fol-
23 lowing:

1 “(A) The sources of information and data
2 used to compile the information required under
3 paragraph (2).

4 “(B) A description of any known limita-
5 tions of the data reported under paragraph (2),
6 including known limitations of the methodology
7 and data sources used to compile the report.

8 “(C) Any plans for strengthening collec-
9 tion, coordination, and sharing of information
10 on contracts in Iraq and Afghanistan through
11 improvements to the common databases identi-
12 fied under section 861(b)(4).

13 “(4) REPORTING PERIOD.—A report under this
14 subsection shall cover a period of not less than 12
15 months.

16 “(5) SUBMISSION OF REPORTS.—The Secre-
17 taries and the Administrator shall submit an initial
18 report under this subsection not later than February
19 1, 2011, and shall submit an updated report by Feb-
20 ruary 1 of every year thereafter until February 1,
21 2013.

22 “(6) EXCEPTION.—If the total annual amount
23 of obligations for contracts in Iraq and Afghanistan
24 combined is less than \$250,000,000 for the report-
25 ing period, for all three agencies combined, the Sec-

1 retaries and the Administrator may submit, in lieu
2 of a report, a letter stating the applicability of this
3 paragraph, with such documentation as the Secre-
4 taries and the Administrator consider appropriate.

5 “(7) ESTIMATES.—In determining the total
6 number of contractor personnel working on contracts
7 under paragraph (2)(F), the Secretaries and the Ad-
8 ministrator may use estimates for any category of
9 contractor personnel for which they determine it is
10 not feasible to provide an actual count. The report
11 shall fully disclose the extent to which estimates are
12 used in lieu of an actual count.

13 “(b) COMPTROLLER GENERAL REVIEW AND RE-
14 PORT.—

15 “(1) IN GENERAL.—Within 180 days after sub-
16 mission of each annual joint report required under
17 subsection (a), but in no case later than August 5
18 of each year until 2013, the Comptroller General of
19 the United States shall review the joint report and
20 submit to the relevant committees of Congress a re-
21 port on such review.

22 “(2) MATTERS COVERED.—A report under this
23 subsection shall, at minimum—

24 “(A) assess the data and data sources used
25 in developing the joint report;

1 “(B) review how the Department of De-
2 fense, the Department of State, and the United
3 States Agency for International Development
4 are using the data and the data sources used to
5 develop the joint report in managing, over-
6 seeing, and coordinating contracting in Iraq
7 and Afghanistan;

8 “(C) assess the plans of the departments
9 and agency for strengthening or improving the
10 common databases identified under section
11 861(b)(4); and

12 “(D) review and make recommendations on
13 any specific contract or class of contracts that
14 the Comptroller General determines raises
15 issues of significant concern.

16 “(3) ACCESS TO DATABASES AND OTHER IN-
17 FORMATION.—The Secretary of Defense, the Sec-
18 retary of State, and the Administrator of the United
19 States Agency for International Development shall
20 provide to the Comptroller General full access to in-
21 formation on contracts in Iraq and Afghanistan for
22 the purposes of the review carried out under this
23 subsection, including the common databases identi-
24 fied under section 861(b)(4).”.

1 **Subtitle E—Other Matters**

2 **SEC. 841. IMPROVEMENTS TO STRUCTURE AND FUNC-** 3 **TIONING OF JOINT REQUIREMENTS OVER-** 4 **SIGHT COUNCIL.**

5 (a) VICE CHAIRMAN OF JOINT CHIEFS OF STAFF TO
6 BE CHAIRMAN OF COUNCIL.—Subsection (c) of section
7 181 of title 10, United States Code, is amended—

8 (1) in paragraph (1), by inserting “Vice” before
9 “Chairman of the Joint Chiefs of Staff”;

10 (2) in paragraph (2), by striking “, other than
11 the Chairman of the Joint Chiefs of Staff,” and in-
12 sserting “under subparagraphs (B), (C), (D), and
13 (E) of paragraph (1)”; and

14 (3) by striking paragraph (3).

15 (b) ROLE OF COMMANDERS OF COMBATANT COM-
16 MANDS AS MEMBERS OF COUNCIL.—Paragraph (1) of
17 subsection (c) of such section is further amended—

18 (1) in subparagraph (D), by striking “and” at
19 the end;

20 (2) in subparagraph (E), by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(F) in addition, when directed by the chair-
25 man, the commander of any combatant command

1 (or, as directed by that commander, the deputy com-
2 mander of that command) when matters related to
3 the area of responsibility or functions of that com-
4 mand will be under consideration by the Council.”.

5 (c) CIVILIAN ADVISORS.—

6 (1) ADDITIONAL CIVILIAN ADVISORS.—Sub-
7 section (d) of such section is amended by striking
8 “The Under Secretary” and all that follows through
9 “and expertise.” and inserting: “The following offi-
10 cials of the Department of Defense shall serve as ad-
11 visors to the Council on matters within their author-
12 ity and expertise:

13 “(A) The Under Secretary of Defense for
14 Acquisition, Technology, and Logistics.

15 “(B) The Under Secretary of Defense
16 (Comptroller).

17 “(C) The Under Secretary of Defense for
18 Policy.

19 “(D) The Director of Cost Assessment and
20 Program Evaluation.

21 “(E) The Director of Operational Test and
22 Evaluation.

23 “(F) Such other civilian officials of the De-
24 partment of Defense as are designated by the

1 Secretary of Defense for purposes of this sub-
2 section.”.

3 (2) CONFORMING AMENDMENT.—Subsection
4 (b)(3) of such section is amended by striking
5 “Under Secretary of Defense (Comptroller), the
6 Under Secretary of Defense for Acquisition, Tech-
7 nology, and Logistics, and the Director of Cost As-
8 sessment and Performance Evaluation” and insert-
9 ing “advisors to the Council under subsection (d)”.

10 (d) RECOGNITION OF PERMANENT NATURE OF
11 COUNCIL.—Subsection (a) of such section is amended by
12 striking “The Secretary of Defense shall establish” and
13 inserting “There is”.

14 **SEC. 842. DEPARTMENT OF DEFENSE POLICY ON ACQUISI-**
15 **TION AND PERFORMANCE OF SUSTAINABLE**
16 **PRODUCTS AND SERVICES.**

17 (a) FINDING.—Congress finds the following:

18 (1) Executive Order No. 13514, dated October
19 5, 2009, requires the departments and agencies of
20 the Federal Government to establish an integrated
21 strategy towards the procurement of sustainable
22 products and services.

23 (2) The Department of Defense Strategic Sus-
24 tainability Performance Plan, issued in August
25 2010, provides a framework for the Department’s

1 compliance with Executive Order No. 13514 and
2 other applicable sustainability requirements.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Defense shall submit to the congressional
7 defense committees a report on the status of the
8 achievement by the Department of Defense of the
9 objectives and goals on the procurement of sustain-
10 able products and services established by section
11 2(h) of Executive Order No. 13514.

12 (2) ELEMENTS.—The report required by para-
13 graph (1) shall include the following:

14 (A) A description of the actions taken, and
15 to be taken, by the Department to identify par-
16 ticular sustainable products and services that
17 contribute to the achievement of the objectives
18 and goals described in paragraph (1).

19 (B) An assessment of the tools available to
20 the Department to promote the use of par-
21 ticular sustainable products and services identi-
22 fied pursuant to the actions described in sub-
23 paragraph (A) across the Department, and a
24 description of the actions taken, and to be
25 taken, by the Department to use such tools.

1 (C) A description of strategies and tools
2 identified by the Department that could assist
3 the other departments and agencies of the Fed-
4 eral Government in procuring sustainable prod-
5 ucts and services, including a description of
6 mechanisms for sharing best practices in such
7 procurement, as identified by the Department,
8 among the other departments and agencies of
9 the Federal Government.

10 (D) An assessment of the progress the De-
11 partment has made toward the achievement of
12 the objectives and goals described in paragraph
13 (1), including the scorecard identified in its
14 Strategic Sustainability Performance Plan.

15 **SEC. 843. ASSESSMENT AND PLAN FOR CRITICAL RARE**
16 **EARTH MATERIALS IN DEFENSE APPLICA-**
17 **TIONS.**

18 (a) ASSESSMENT REQUIRED.—

19 (1) IN GENERAL.—The Secretary of Defense
20 shall undertake an assessment of the supply and de-
21 mand for rare earth materials in defense applica-
22 tions and identify which, if any, rare earth material
23 meets both of the following criteria:

1 (A) The rare earth material is critical to
2 the production, sustainment, or operation of
3 significant United States military equipment.

4 (B) The rare earth material is subject to
5 interruption of supply, based on actions or
6 events outside the control of the Government of
7 the United States.

8 (2) EVALUATION OF SUPPLY.—The assessment
9 shall include a comprehensive evaluation of the long-
10 term security and availability of all aspects of the
11 supply chain for rare earth materials in defense ap-
12 plications, particularly the location and number of
13 sources at each step of the supply chain, including—

14 (A) mining of rare earth ores;

15 (B) separation of rare earth oxides;

16 (C) refining and reduction of rare earth
17 metals;

18 (D) creation of rare earth alloys;

19 (E) manufacturing of components and sys-
20 tems containing rare earth materials; and

21 (F) recycling of components and systems
22 to reclaim and reuse rare earth materials.

23 (3) EVALUATION OF DEMAND.—The assessment
24 shall include a comprehensive evaluation of the de-

1 mand for and usage of rare earth materials in all de-
2 fense applications, including—

3 (A) approximations of the total amounts of
4 individual rare earth materials used in defense
5 applications;

6 (B) determinations of which, if any, de-
7 fense applications are dependent upon rare
8 earth materials for proper operation and func-
9 tioning; and

10 (C) assessments of the feasibility of alter-
11 natives to usage of rare earth materials in de-
12 fense applications.

13 (4) OTHER STUDIES AND AGENCIES.—Any ap-
14 plicable studies conducted by the Department of De-
15 fense, the Comptroller General of the United States,
16 or other Federal agencies during fiscal year 2010
17 may be considered as partial fulfillment of the re-
18 quirements of this section. The Secretary may con-
19 sider the views of other Federal agencies, as appro-
20 priate.

21 (5) SPECIFIC MATERIAL INCLUDED.—At a min-
22 imum, the Secretary shall identify sintered neodym-
23 ium iron boron magnets as meeting the criteria spec-
24 ified in paragraph (1).

1 (b) PLAN.—For each rare earth material identified
2 pursuant to subsection (a)(1), the Secretary shall develop
3 a plan to ensure the long-term availability of such rare
4 earth material, with a goal of establishing an assured
5 source of supply of such material in critical defense appli-
6 cations by December 31, 2015. In developing the plan, the
7 Secretary shall consider all aspects of the material’s sup-
8 ply chain, as described in subsection (a)(2). The plan shall
9 include consideration of numerous risk mitigation methods
10 with respect to the material, including—

11 (1) an assessment of including the material in
12 the National Defense Stockpile;

13 (2) in consultation with the United States
14 Trade Representative, the identification of any trade
15 practices known to the Secretary that limit the Sec-
16 retary’s ability to ensure the long-term availability of
17 such material or the ability to meet the goal of es-
18 tablishing an assured source of supply of such mate-
19 rial by December 31, 2015;

20 (3) an assessment of the availability of financ-
21 ing to industry, academic institutions, or not-for-
22 profit entities to provide the capacity required to en-
23 sure the availability of the material, as well as po-
24 tential mechanisms to increase the availability of
25 such financing;

1 (4) an assessment of the benefits, if any, of De-
2 fense Production Act funding to support the estab-
3 lishment of an assured source of supply for military
4 components;

5 (5) an assessment of funding for research and
6 development related to any aspect of the rare earth
7 material supply chain or research on alternatives
8 and substitutes;

9 (6) any other risk mitigation method deter-
10 mined appropriate by the Secretary that is con-
11 sistent with the goal of establishing an assured
12 source of supply by December 31, 2015; and

13 (7) for steps of the rare earth material supply
14 chain for which no other risk mitigation method, as
15 described in paragraphs (1) through (6), will ensure
16 an assured source of supply by December 31, 2015,
17 a specific plan to eliminate supply chain vulner-
18 ability by the earliest date practicable.

19 (c) REPORT.—

20 (1) REQUIREMENT.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary of Defense shall submit to the congressional
23 committees described in paragraph (2) a report con-
24 taining the findings of the assessment required

1 under subsection (a) and the plan developed under
2 subsection (b).

3 (2) CONGRESSIONAL COMMITTEES.—The con-
4 gressional committees described in this paragraph
5 are as follows:

6 (A) The congressional defense committees.

7 (B) The Committee on Science and Tech-
8 nology, the Committee on Financial Services,
9 and the Committee on Ways and Means of the
10 House of Representatives.

11 (C) The Committee on Energy and Nat-
12 ural Resources, the Committee on Finance, and
13 the Committee on Banking, Housing, and
14 Urban Affairs of the Senate.

15 **SEC. 844. REVIEW OF NATIONAL SECURITY EXCEPTION TO**
16 **COMPETITION.**

17 (a) REVIEW REQUIRED.—The Comptroller General
18 of the United States shall review the use of the national
19 security exception to full and open competition provided
20 in section 2304(c)(6) of title 10, United States Code, by
21 the Department of Defense.

22 (b) MATTERS REVIEWED.—The review of the use of
23 the national security exception required by subsection (a)
24 shall include—

1 (1) the pattern of usage of such exception by
2 acquisition organizations within the Department to
3 determine which organizations are commonly using
4 the exception and the frequency of such usage;

5 (2) the range of items or services being ac-
6 quired through the use of such exception;

7 (3) the process for reviewing and approving jus-
8 tifications involving such exception;

9 (4) whether the justifications for use of such
10 exception typically meet the relevant requirements of
11 the Federal Acquisition Regulation applicable to the
12 use of such exception;

13 (5) issues associated with follow-on procure-
14 ments for items or services acquired using such ex-
15 ception; and

16 (6) potential additional instances where such
17 exception could be applied and any authorities avail-
18 able to the Department other than such exception
19 that could be applied in such instances.

20 (c) REPORT.—Not later than one year after the date
21 of the enactment of this Act, the Comptroller General shall
22 submit to the Committees on Armed Services of the Sen-
23 ate and the House of Representatives a report on the re-
24 view required by subsection (a), including a discussion of
25 each of the matters specified in subsection (b). The report

1 shall include any recommendations relating to the matters
2 reviewed that the Secretary considers appropriate. The re-
3 port shall be submitted in unclassified form but may in-
4 clude a classified annex.

5 **SEC. 845. REQUIREMENT FOR ENTITIES WITH FACILITY**
6 **CLEARANCES THAT ARE NOT UNDER FOR-**
7 **EIGN OWNERSHIP CONTROL OR INFLUENCE**
8 **MITIGATION.**

9 (a) **REQUIREMENT.**—The Secretary of Defense shall
10 develop a plan to ensure that covered entities employ and
11 maintain policies and procedures that meet requirements
12 under the national industrial security program. In devel-
13 oping the plan, the Secretary shall consider whether or
14 not covered entities, or any category of covered entities,
15 should be required to establish government security com-
16 mittees similar to those required for companies that are
17 subject to foreign ownership control or influence mitiga-
18 tion measures.

19 (b) **COVERED ENTITY.**—A covered entity under this
20 section is an entity—

21 (1) to which the Department of Defense has
22 granted a facility clearance; and

23 (2) that is not subject to foreign ownership con-
24 trol or influence mitigation measures.

1 (c) GUIDANCE.—The Secretary of Defense shall issue
2 guidance, including appropriate compliance mechanisms,
3 to implement the requirement in subsection (a). To the
4 extent determined appropriate by the Secretary, the guid-
5 ance shall require covered entities, or any category of cov-
6 ered entities, to establish government security committees
7 similar to those required for companies that are subject
8 to foreign ownership control or influence mitigation meas-
9 ures.

10 (d) REPORT.—Not later than 270 days after the date
11 of the enactment of this Act, the Secretary shall submit
12 to the Committees on Armed Services of the Senate and
13 the House of Representatives a report on the plan devel-
14 oped pursuant to subsection (a) and the guidance issued
15 pursuant to subsection (c). The report shall specifically
16 address the rationale for the Secretary’s decision on
17 whether or not to require covered entities, or any category
18 of covered entities, to establish government security com-
19 mittees similar to those required for companies that are
20 subject to foreign ownership control or influence mitiga-
21 tion measures.

22 **SEC. 846. PROCUREMENT OF PHOTOVOLTAIC DEVICES.**

23 (a) CONTRACT REQUIREMENT.—The Secretary of
24 Defense shall ensure that each contract described in sub-
25 section (b) awarded by the Department of Defense in-

1 cludes a provision requiring the photovoltaic devices pro-
2 vided under the contract to comply with the Buy American
3 Act (41 U.S.C. 10a et seq.), subject to the exceptions to
4 that Act provided in the Trade Agreements Act of 1979
5 (19 U.S.C. 2501 et seq.) or otherwise provided by law.

6 (b) CONTRACTS DESCRIBED.—The contracts de-
7 scribed in this subsection include energy savings perform-
8 ance contracts, utility service contracts, land leases, and
9 private housing contracts, to the extent that such con-
10 tracts result in ownership of photovoltaic devices by the
11 Department of Defense. For the purposes of this section,
12 the Department of Defense is deemed to own a photo-
13 voltaic device if the device is—

14 (1) installed on Department of Defense prop-
15 erty or in a facility owned by the Department of De-
16 fense; and

17 (2) reserved for the exclusive use of the Depart-
18 ment of Defense for the full economic life of the de-
19 vice.

20 (c) DEFINITION OF PHOTOVOLTAIC DEVICES.—In
21 this section, the term “photovoltaic devices” means devices
22 that convert light directly into electricity through a solid-
23 state, semiconductor process.

1 **SEC. 847. NON-AVAILABILITY EXCEPTION FROM BUY AMER-**
2 **ICAN REQUIREMENTS FOR PROCUREMENT**
3 **OF HAND OR MEASURING TOOLS.**

4 Section 2533a(e) of title 10, United States Code, is
5 amended by striking “subsection (b)(1)” and inserting
6 “subsection (b)”.

7 **SEC. 848. CONTRACTOR LOGISTICS SUPPORT OF CONTIN-**
8 **GENCY OPERATIONS.**

9 (a) **DEFENSE SCIENCE BOARD REVIEW OF ORGANI-**
10 **ZATION, TRAINING, AND PLANNING.**—Not later than 90
11 days after the date of the enactment of this Act, the Sec-
12 retary of Defense shall direct the Defense Science Board
13 to carry out a review of Department of Defense organiza-
14 tion, doctrine, training, and planning for contractor logis-
15 tics support of contingency operations.

16 (b) **MATTERS TO BE ADDRESSED.**—

17 (1) **IN GENERAL.**—The matters addressed by
18 the review required by subsection(a) shall include, at
19 a minimum, the following:

20 (A) Department of Defense policies and
21 procedures for planning for contractor logistics
22 support of contingency operations.

23 (B) Department organization and staffing
24 for the implementation of such policies and pro-
25 cedures.

1 (C) The development of Department doc-
2 trine for contractor logistics support of contin-
3 gency operations.

4 (D) The training of Department military
5 and civilian personnel for the planning, man-
6 agement, and oversight of contractor logistics
7 support of contingency operations.

8 (E) The extent to which the Department
9 should rely upon contractor logistics support in
10 future contingency operations, and the risks as-
11 sociated with reliance on such support.

12 (F) Any logistics support functions for
13 contingency operations for which the Depart-
14 ment should establish or retain an organic ca-
15 pability.

16 (G) The scope and level of detail on con-
17 tractor logistics support of contingency oper-
18 ations that is currently included in operational
19 plans, and that should be included in oper-
20 ational plans.

21 (H) Contracting mechanisms and contract
22 vehicles that are currently used, and should be
23 used, to provide contractor logistics support of
24 contingency operations.

1 (I) Department organization and staffing
2 for the management and oversight of contractor
3 logistics support of contingency operations.

4 (J) Actions that could be taken to improve
5 Department management and oversight of con-
6 tractors providing logistics support of contin-
7 gency operations.

8 (K) The extent to which logistics support
9 of contingency operations has been, and should
10 be, provided by subcontractors, and the advan-
11 tages and disadvantages of reliance upon sub-
12 contractors for that purpose.

13 (L) The extent to which logistics support
14 of contingency operations has been, and should
15 be, provided by local nationals and third coun-
16 try nationals, and the advantages and disadvan-
17 tages of reliance upon such sources for that
18 purpose.

19 (2) FINDINGS AND RECOMMENDATIONS.—The
20 review required by subsection (a) shall include find-
21 ings and recommendations related to—

22 (A) legislative or policy guidance to ad-
23 dress the matters listed in paragraph (1); and

24 (B) whether and to what extent the quad-
25 rennial defense review (conducted pursuant to

1 section 118 of title 10, United States Code) or
2 assessments by the Chairman of the Joint
3 Chiefs of Staff for the biennial review of the na-
4 tional military strategy (conducted pursuant to
5 section 153(d) of such title) should be required
6 to address requirements for contractor support
7 of the Armed Forces in conducting peacetime
8 training, peacekeeping, overseas contingency op-
9 erations, and major combat operations, and the
10 risks associated with such support.

11 (c) REPORT.—Not later than one year after the date
12 of the enactment of this Act, the Secretary shall submit
13 to the congressional defense committees a report on the
14 results of the review required by subsection (a). The report
15 shall include the findings and recommendations of the De-
16 fense Science Board, including such recommendations for
17 legislative or administrative action as the Board considers
18 appropriate, together with any comments the Secretary
19 considers appropriate.

20 **Subtitle F—Improve Acquisition**
21 **Act**

22 **SEC. 860. SHORT TITLE.**

23 This subtitle may be cited as the “Improve Acquisi-
24 tion Act of 2010”.

1 **PART I—DEFENSE ACQUISITION SYSTEM**

2 **SEC. 861. IMPROVEMENTS TO THE MANAGEMENT OF THE**
3 **DEFENSE ACQUISITION SYSTEM.**

4 (a) MANAGEMENT OF THE DEFENSE ACQUISITION
5 SYSTEM.—Part IV of title 10, United States Code, is
6 amended by inserting after chapter 148 the following new
7 chapter:

8 **“CHAPTER 149—DEFENSE ACQUISITION**
9 **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.

10 **“§ 2545. Definitions**

11 “In this chapter:

12 “(1) The term ‘acquisition’ has the meaning
13 provided in section 4(16) of the Office of Federal
14 Procurement Policy Act (41 U.S.C. 403(16)).

15 “(2) The term ‘defense acquisition system’
16 means the workforce engaged in carrying out the ac-
17 quisition of property and services for the Depart-
18 ment of Defense; the management structure respon-
19 sible for directing and overseeing the acquisition of
20 property and services for the Department of De-
21 fense; and the statutory, regulatory, and policy
22 framework that guides the acquisition of property
23 and services for the Department of Defense.

1 the military department concerned, a service acquisition
2 executive of a military department shall be responsible for
3 the management of elements of the defense acquisition
4 system in that military department and shall exercise such
5 control of the system and perform such duties as are nec-
6 essary to ensure the successful and efficient operation of
7 such elements of the defense acquisition system.

8 **“§ 2547. Acquisition-related functions of chiefs of the**
9 **armed forces**

10 “(a) PERFORMANCE OF CERTAIN ACQUISITION-RE-
11 LATED FUNCTIONS.—The Secretary of Defense shall en-
12 sure that the Chief of Staff of the Army, the Chief of
13 Naval Operations, the Chief of Staff of the Air Force, and
14 the Commandant of the Marine Corps assist the Secretary
15 of the military department concerned in the performance
16 of the following acquisition-related functions of such de-
17 partment:

18 “(1) The development of requirements relating
19 to the defense acquisition system (subject, where ap-
20 propriate, to validation by the Joint Requirements
21 Oversight Council pursuant to section 181 of this
22 title).

23 “(2) The coordination of measures to control
24 requirements creep in the defense acquisition sys-
25 tem.

1 “(3) The development of career paths in acqui-
2 sition for military personnel (as required by section
3 1722a of this title).

4 “(4) The assignment and training of con-
5 tracting officer representatives when such represent-
6 atives are required to be members of the armed
7 forces because of the nature of the contract con-
8 cerned.

9 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to affect the assignment of func-
11 tions under section 3014(c)(1)(A), section 5014(c)(1)(A),
12 or section 8014(c)(1)(A) of this title, except as explicitly
13 provided in this section.

14 “(c) DEFINITIONS.—In this section:

15 “(1) The term ‘requirements creep’ means the
16 addition of new technical or operational specifica-
17 tions after a requirements document is approved by
18 the appropriate validation authority for the require-
19 ments document.

20 “(2) The term ‘requirements document’ means
21 a document produced in the requirements process
22 that is provided for an acquisition program to guide
23 the subsequent development, production, and testing
24 of the program and that—

1 “(A) justifies the need for a materiel ap-
2 proach, or an approach that is a combination of
3 materiel and non-materiel, to satisfy one or
4 more specific capability gaps;

5 “(B) details the information necessary to
6 develop an increment of militarily useful,
7 logistically supportable, and technically mature
8 capability, including key performance param-
9 eters; or

10 “(C) identifies production attributes re-
11 quired for a single increment of a program.

12 **“§ 2548. Performance assessments of the defense ac-**
13 **quisition system**

14 “(a) PERFORMANCE ASSESSMENTS REQUIRED.—Not
15 later than 180 days after the date of the enactment of
16 the Ike Skelton National Defense Authorization Act for
17 Fiscal Year 2011, the Secretary of Defense, acting
18 through the Under Secretary of Defense for Acquisition,
19 Technology, and Logistics, the Director of Procurement
20 and Acquisition Policy, and the Director of the Office of
21 Performance Assessment and Root Cause Analysis, shall
22 issue guidance, with detailed implementation instructions,
23 for the Department of Defense to provide for periodic
24 independent performance assessments of elements of the
25 defense acquisition system for the purpose of—

1 “(1) determining the extent to which such ele-
2 ments of the defense acquisition system deliver value
3 to the Department of Defense, taking into consider-
4 ation the performance elements identified in sub-
5 section (b);

6 “(2) assisting senior officials of the Department
7 of Defense in identifying and developing lessons
8 learned from best practices and shortcomings in the
9 performance of such elements of the defense acquisi-
10 tion system; and

11 “(3) assisting senior officials of the Department
12 of Defense in developing acquisition workforce excel-
13 lence under section 1701a of this title

14 “(b) AREAS CONSIDERED IN PERFORMANCE ASSESS-
15 MENTS.—(1) Each performance assessment conducted
16 pursuant to subsection (a) shall consider, at a minimum—

17 “(A) the extent to which acquisitions conducted
18 by the element of the defense acquisition system
19 under review meet applicable cost, schedule, and per-
20 formance objectives; and

21 “(B) the staffing and quality of the acquisition
22 workforce and the effectiveness of the management
23 of the acquisition workforce, including workforce in-
24 centives and career paths.

1 “(2) The Secretary of Defense shall ensure that the
2 performance assessments required by this section are ap-
3 propriately tailored to reflect the diverse nature of the
4 work performed by each element of the defense acquisition
5 system. In addition to the mandatory areas under para-
6 graph (1), a performance assessment may consider, as ap-
7 propriate, specific areas of acquisition concern, such as—

8 “(A) the selection of contractors, including—

9 “(i) the extent of competition and the use
10 of exceptions to competition requirements;

11 “(ii) compliance with Department of De-
12 fense policies regarding the participation of
13 small business concerns and various categories
14 of small business concerns, including the use of
15 contract bundling and the availability of non-
16 bundled contract vehicles;

17 “(iii) the quality of market research;

18 “(iv) the effective consideration of con-
19 tractor past performance; and

20 “(v) the number of bid protests, the extent
21 to which such bid protests have been successful,
22 and the reasons for such success;

23 “(B) the negotiation of contracts, including—

1 “(i) the appropriate application of section
2 2306a of this title (relating to truth in negotia-
3 tions);

4 “(ii) the appropriate use of contract types
5 appropriate to specific procurements;

6 “(iii) the appropriate use of performance
7 requirements;

8 “(iv) the appropriate acquisition of tech-
9 nical data and other rights and assets necessary
10 to support long-term sustainment and follow-on
11 procurement; and

12 “(v) the timely definitization of any
13 undefinitized contract actions; and

14 “(C) the management of contractor perform-
15 ance, including—

16 “(i) the assignment of appropriately quali-
17 fied contracting officer representatives and
18 other contract management personnel;

19 “(ii) the extent of contract disputes, the
20 reasons for such disputes, and the extent to
21 which they have been successfully addressed;

22 “(iii) the appropriate consideration of long-
23 term sustainment and energy efficiency objec-
24 tives; and

1 “(iv) the appropriate use of integrated
2 testing.

3 “(c) CONTENTS OF GUIDANCE.—The guidance issued
4 pursuant to subsection (a) shall ensure that each element
5 of the defense acquisition system is subject to a perform-
6 ance assessment under this section not less often than
7 once every four years, and shall address, at a minimum—

8 “(1) the designation of elements of the defense
9 acquisition system that are subject to performance
10 assessment at an organizational level that ensures
11 such assessments can be performed in an efficient
12 and integrated manner;

13 “(2) the frequency with which such perform-
14 ance assessments should be conducted;

15 “(3) goals, standards, tools, and metrics for use
16 in conducting performance assessments;

17 “(4) the composition of the teams designated to
18 perform performance assessments;

19 “(5) any phase-in requirements needed to en-
20 sure that qualified staff are available to perform per-
21 formance assessments;

22 “(6) procedures for tracking the implementa-
23 tion of recommendations made pursuant to perform-
24 ance assessments;

1 “(7) procedures for developing and dissemi-
2 nating lessons learned from performance assess-
3 ments; and

4 “(8) procedures for ensuring that information
5 from performance assessments are retained elec-
6 tronically and are provided in a timely manner to
7 the Under Secretary of Defense for Acquisition,
8 Technology, and Logistics and the Director of the
9 Office of Performance Assessment and Root Cause
10 Analysis as needed to assist them in performing
11 their responsibilities under this section.

12 “(d) PERFORMANCE GOALS UNDER GOVERNMENT
13 PERFORMANCE RESULTS ACT OF 1993.—Beginning with
14 fiscal year 2012, the annual performance plan prepared
15 by the Department of Defense pursuant to section 1115
16 of title 31 shall include appropriate performance goals for
17 elements of the defense acquisition system.

18 “(e) REPORTING REQUIREMENTS.—Beginning with
19 fiscal year 2012—

20 “(1) the annual report prepared by the Sec-
21 retary of Defense pursuant to section 1116 of title
22 31, United States Code, shall address the Depart-
23 ment’s success in achieving performance goals estab-
24 lished pursuant to such section for elements of the
25 defense acquisition system; and

1 “(2) the annual report prepared by the Director
 2 of the Office of Performance Assessment and Root
 3 Cause Analysis pursuant to section 103(f) of the
 4 Weapon Systems Acquisition Reform Act of 2009
 5 (10 U.S.C. 2430 note), shall include information on
 6 the activities undertaken by the Department pursu-
 7 ant to such section, including a summary of signifi-
 8 cant findings or recommendations arising out of per-
 9 formance assessments.”.

10 (b) CLERICAL AMENDMENTS.—The table of chapters
 11 at the beginning of subtitle A of title 10, United States
 12 Code, and at the beginning of part IV of such subtitle,
 13 are each amended by inserting after the item relating to
 14 chapter 148 the following new item:

“149. Defense Acquisition System 2545”.

15 **SEC. 862. COMPTROLLER GENERAL REPORT ON JOINT CA-**
 16 **PABILITIES INTEGRATION AND DEVELOP-**
 17 **MENT SYSTEM.**

18 (a) REPORT REQUIRED.—The Comptroller General
 19 of the United States shall carry out a comprehensive re-
 20 view of the Joint Capabilities Integration and Develop-
 21 ment System (in this section referred to as “JCIDS”).
 22 Not later than one year after the date of the enactment
 23 of this Act, the Comptroller General shall submit to the
 24 congressional defense committees a report on the review
 25 and include in such report any recommendations the

1 Comptroller General considers necessary and advisable to
2 improve or replace JCIDS.

3 (b) CONTENT OF THE REVIEW.—

4 (1) PURPOSE.—The purpose of the review re-
5 quired by subsection (a) is to evaluate the effective-
6 ness of JCIDS in achieving the following objectives:

7 (A) Timeliness in delivering capability to
8 the warfighter.

9 (B) Efficient use of the investment re-
10 sources of the Department of Defense.

11 (C) Control of requirements creep.

12 (D) Responsiveness to changes occurring
13 after the approval of a requirements document
14 (including changes to the threat environment,
15 the emergence of new capabilities, or changes in
16 the resources estimated to procure or sustain a
17 capability).

18 (E) Development of the personnel skills,
19 capacity, and training needed for an effective
20 and efficient requirements process.

21 (2) MATTERS CONSIDERED.—In performing the
22 review, the Comptroller General shall gather infor-
23 mation on and consider the following matters:

24 (A) The time that requirements documents
25 take to receive approval through JCIDS.

1 (B) The quality of cost information consid-
2 ered in JCIDS and the extent of its consider-
3 ation.

4 (C) The extent to which JCIDS establishes
5 a meaningful level of priority for requirements.

6 (D) The extent to which JCIDS is consid-
7 ering trade-offs between cost, schedule, and per-
8 formance objectives.

9 (E) The quality of information on
10 sustainment considered in JCIDS and the ex-
11 tent to which sustainment information is con-
12 sidered.

13 (F) An evaluation of the advantages and
14 disadvantages of designating a commander of a
15 unified combatant command for each require-
16 ments document for which the Joint Require-
17 ments Oversight Council is the validation au-
18 thority to provide a joint evaluation task force
19 to participate in a materiel solution and to—

20 (i) provide input to the analysis of al-
21 ternatives;

22 (ii) participate in testing (including
23 limited user tests and prototype testing);

24 (iii) provide input on a concept of op-
25 erations and doctrine;

1 (iv) provide end user feedback to the
2 resource sponsor; and

3 (v) participate, through the combatant
4 commander concerned, in any alteration of
5 the requirement for such solution.

6 (c) DEFINITIONS.—In this section:

7 (1) JOINT CAPABILITIES INTEGRATION AND DE-
8 VELOPMENT SYSTEM.—The term “Joint Capabilities
9 Integration and Development System” means the
10 system for the assessment, review, validation, and
11 approval of joint warfighting requirements that is
12 described in Chairman of the Joint Chiefs of Staff
13 Instruction 3170.01G

14 (2) REQUIREMENTS DOCUMENT.—The term
15 “requirements document” means a document pro-
16 duced in JCIDS that is provided for an acquisition
17 program to guide the subsequent development, pro-
18 duction, and testing of the program and that—

19 (A) justifies the need for a materiel ap-
20 proach, or an approach that is a combination of
21 materiel and non-materiel, to satisfy one or
22 more specific capability gaps;

23 (B) details the information necessary to
24 develop an increment of militarily useful,
25 logistically supportable, and technically mature

1 capability, including key performance param-
2 eters; or

3 (C) identifies production attributes re-
4 quired for a single increment of a program.

5 (3) REQUIREMENTS CREEP.—The term “re-
6 quirements creep” means the addition of new tech-
7 nical or operational specifications after a require-
8 ments document is approved.

9 (4) MATERIEL SOLUTION.—The term “materiel
10 solution” means the development, acquisition, pro-
11 curement, or fielding of a new item, or of a modi-
12 fication to an existing item, necessary to equip, oper-
13 ate, maintain, and support military activities.

14 **SEC. 863. REQUIREMENTS FOR THE ACQUISITION OF SERV-**
15 **ICES.**

16 (a) ESTABLISHMENT OF REQUIREMENTS PROCESSES
17 FOR THE ACQUISITION OF SERVICES.—The Secretary of
18 Defense shall ensure that the military departments and
19 Defense Agencies each establish a process for identifying,
20 assessing, reviewing, and validating requirements for the
21 acquisition of services.

22 (b) OPERATIONAL REQUIREMENTS.—With regard to
23 requirements for the acquisition of services in support of
24 combatant commands and military operations, the Sec-
25 retary shall ensure—

1 (1) that the Chief of Staff of the Army, the
2 Chief of Naval Operations, the Chief of Staff of the
3 Air Force, and the Commandant of the Marine
4 Corps implement and bear chief responsibility for
5 carrying out, within the Armed Force concerned, the
6 process established pursuant to subsection (a) for
7 such Armed Force; and

8 (2) that commanders of unified combatant com-
9 mands and other officers identified or designated as
10 joint qualified officers have an opportunity to par-
11 ticipate in the process of each military department
12 to provide input on joint requirements for the acqui-
13 sition of services.

14 (c) SUPPORTING REQUIREMENTS.—With regard to
15 requirements for the acquisition of services not covered by
16 subsection (b), the Secretary shall ensure that the secre-
17 taries of the military departments and the heads of the
18 Defense Agencies implement and bear chief responsibility
19 for carrying out, within the military department or De-
20 fense Agency concerned, the process established pursuant
21 to subsection (a) for such military department or Defense
22 Agency.

23 (d) IMPLEMENTATION PLANS REQUIRED.—The Sec-
24 retary shall ensure that an implementation plan is devel-

1 oped for each process established pursuant to subsection
2 (a) that addresses, at a minimum, the following:

3 (1) The organization of such process.

4 (2) The level of command responsibility re-
5 quired for identifying, assessing, reviewing, and vali-
6 dating requirements for the acquisition of services in
7 accordance with the requirements of this section and
8 the categories established under section
9 2330(a)(1)(C) of title 10, United States Code.

10 (3) The composition of positions necessary to
11 operate such process.

12 (4) The training required for personnel engaged
13 in such process.

14 (5) The relationship between doctrine and such
15 process.

16 (6) Methods of obtaining input on joint require-
17 ments for the acquisition of services.

18 (7) Procedures for coordinating with the acqui-
19 sition process.

20 (8) Considerations relating to opportunities for
21 strategic sourcing.

22 (e) MATTERS REQUIRED IN IMPLEMENTATION
23 PLAN.—Each plan required under subsection (d) shall
24 provide for initial implementation of a process for identi-
25 fying, assessing, reviewing, and validating requirements

1 for the acquisition of services not later than one year after
2 the date of the enactment of this Act and shall provide
3 for full implementation of such process at the earliest date
4 practicable.

5 (f) CONSISTENCY WITH JOINT GUIDANCE.—When-
6 ever, at any time, guidance is issued by the Chairman of
7 the Joint Chiefs of Staff relating to requirements for the
8 acquisition of services in support of combatant commands
9 and military operations, each process established pursuant
10 to subsection (a) shall be revised in accordance with such
11 joint guidance.

12 (g) DEFINITION.—The term “requirements for the
13 acquisition of services” means objectives to be achieved
14 through acquisitions primarily involving the procurement
15 of services.

16 (h) REVIEW OF SUPPORTING REQUIREMENTS TO
17 IDENTIFY SAVINGS.—The secretaries of the military de-
18 partments and the heads of the Defense Agencies shall
19 review and validate each requirement described in sub-
20 section (c) with an anticipated cost in excess of
21 \$10,000,000 with the objective of identifying unneeded or
22 low priority requirements that can be reduced or elimi-
23 nated, with the savings transferred to higher priority ob-
24 jectives. Savings identified and transferred to higher pri-
25 ority objectives through review and revalidation under this

1 subsection shall count toward the savings objectives estab-
2 lished in the June 4, 2010, guidance of the Secretary of
3 Defense on improved operational efficiencies and the an-
4 nual reduction in funding for service support contractors
5 required by the August 16, 2010, guidance of the Sec-
6 retary of Defense on efficiency initiatives. As provided by
7 the Secretary, cost avoidance shall not count toward these
8 objectives.

9 (i) **EXTENSION OF AUTHORITY.**—Subsection (e) of
10 section 834 of the National Defense Authorization Act for
11 Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is
12 amended by striking “September 30, 2010” and inserting
13 “December 31, 2011”.

14 **SEC. 864. REVIEW OF DEFENSE ACQUISITION GUIDANCE.**

15 (a) **REVIEW OF GUIDANCE.**—The Secretary of De-
16 fense shall review the acquisition guidance of the Depart-
17 ment of Defense, including, at a minimum, the guidance
18 contained in Department of Defense Instruction 5000.02
19 entitled “Operation of the Defense Acquisition System”.

20 (b) **MATTERS CONSIDERED.**—The review performed
21 under subsection (a) shall consider—

22 (1) the extent to which the acquisition of com-
23 mercial goods and commodities, commercial and
24 military unique services, and information technology
25 should be addressed in Department of Defense In-

1 struction 5000.02 and other guidance primarily re-
2 lating to the acquisition of weapon systems, or
3 should be addressed in separate instructions and
4 guidance;

5 (2) whether long-term sustainment and energy
6 efficiency of weapon systems is appropriately empha-
7 sized;

8 (3) whether appropriate mechanisms exist to
9 communicate information relating to the mission
10 needs of the Department of Defense to the industrial
11 base in a way that allows the industrial base to
12 make appropriate investments in infrastructure, ca-
13 pacity, and technology development to help meet
14 such needs;

15 (4) the extent to which earned value manage-
16 ment should be required on acquisitions not involv-
17 ing the acquisition of weapon systems and whether
18 measures of quality and technical performance
19 should be included in any earned value management
20 system; and

21 (5) such other matters as the Secretary con-
22 siders appropriate.

23 (c) REPORT.—Not later than 270 days after the date
24 of the enactment of this Act, the Secretary of Defense
25 shall submit to the Committees on Armed Services of the

1 Senate and the House of Representatives a report detail-
2 ing any changes in the acquisition guidance of the Depart-
3 ment of Defense identified during the review required by
4 subsection (a), and any actions taken, or planned to be
5 taken, to implement such changes.

6 **SEC. 865. REQUIREMENT TO REVIEW REFERENCES TO**
7 **SERVICES ACQUISITION THROUGHOUT THE**
8 **FEDERAL ACQUISITION REGULATION AND**
9 **THE DEFENSE FEDERAL ACQUISITION REGU-**
10 **LATION SUPPLEMENT.**

11 (a) REVIEW REQUIRED.—The Secretary of Defense,
12 in consultation with the Administrator for Federal Pro-
13 curement Policy and the heads of such other Federal agen-
14 cies as the Secretary considers appropriate, shall review
15 the Federal Acquisition Regulation and the Defense Fed-
16 eral Acquisition Regulation Supplement to ensure that
17 such regulations include appropriate guidance for and ref-
18 erences to services acquisition that are in addition to ref-
19 erences provided in part 37 and the Defense Supplement
20 to part 37.

21 (b) MATTERS CONSIDERED.—The review required by
22 subsection (a) shall consider the extent to which additional
23 guidance is needed—

24 (1) to provide the tools and processes needed to
25 assist contracting officials in addressing the full

1 range of complexities that can arise in the acquisi-
2 tion of services; and

3 (2) to enhance and support the procurement
4 and project management community in all aspects of
5 the process for the acquisition of services, including
6 requirements development, assessment of reasonable-
7 ness, and post-award management and oversight.

8 (c) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall submit to the Committees on Armed Services of the
11 Senate and the House of Representatives a report con-
12 taining—

13 (1) a summary of the findings of the review re-
14 quired by subsection (a); and

15 (2) any recommendations that the Secretary
16 may have for changes to the Federal Acquisition
17 Regulation and the Defense Federal Acquisition
18 Regulation Supplement to address such findings, in-
19 cluding identifying any changes that are necessary
20 to improve part 37 (which specifically addresses
21 services acquisitions).

22 **SEC. 866. PILOT PROGRAM ON ACQUISITION OF MILITARY**
23 **PURPOSE NONDEVELOPMENTAL ITEMS.**

24 (a) PILOT PROGRAM AUTHORIZED.—

1 (1) IN GENERAL.—The Secretary of Defense
2 may carry out a pilot program to assess the
3 feasability and advisability of acquiring military pur-
4 pose nondevelopmental items in accordance with this
5 section.

6 (2) SCOPE OF PROGRAM.—Under the pilot pro-
7 gram, the Secretary may enter into contracts with
8 nontraditional defense contractors for the acquisition
9 of military purpose nondevelopmental items in ac-
10 cordance with the requirements set forth in sub-
11 section (b).

12 (b) CONTRACT REQUIREMENTS.—Each contract en-
13 tered into under the pilot program—

14 (1) shall be a firm, fixed price contract, or a
15 firm, fixed price contract with an economic price ad-
16 justment clause awarded using competitive proce-
17 dures in accordance with chapter 137 of title 10,
18 United States Code;

19 (2) shall be in an amount not in excess of
20 \$50,000,000, including all options;

21 (3) shall provide—

22 (A) for the delivery of an initial lot of pro-
23 duction quantities of completed items not later
24 than nine months after the date of the award
25 of such contract; and

1 (B) that failure to make delivery as pro-
2 vided for under subparagraph (A) may result in
3 the termination of such contract for default;
4 and

5 (4) shall be—

6 (A) exempt from the requirement to sub-
7 mit certified cost or pricing data under section
8 2306a of title 10, United States Code, and the
9 cost accounting standards under section 26 of
10 the Office of Federal Procurement Policy Act
11 (41 U.S.C. 422); and

12 (B) subject to the requirement to provide
13 data other than certified cost or pricing data
14 for the purpose of price reasonableness deter-
15 minations, as provided in section 2306a(d) of
16 title 10, United States Code.

17 (c) REGULATIONS.—If the Secretary establishes the
18 pilot program authorized under subsection (a), the Sec-
19 retary shall prescribe regulations governing such pilot pro-
20 gram. Such regulations shall be included in regulations of
21 the Department of Defense prescribed as part of the Fed-
22 eral Acquisition Regulation and shall include the contract
23 clauses and procedures necessary to implement such pro-
24 gram.

25 (d) REPORTS.—

1 (1) REPORTS ON PROGRAM ACTIVITIES.—Not
2 later than 60 days after the end of any fiscal year
3 in which the pilot program is in effect, the Secretary
4 shall submit to the congressional defense committees
5 a report on the pilot program. The report shall be
6 in unclassified form but may include a classified
7 annex. Each report shall include, for each contract
8 entered into under the pilot program in the pre-
9 ceding fiscal year, the following:

10 (A) The contractor.

11 (B) The item or items to be acquired.

12 (C) The military purpose to be served by
13 such item or items.

14 (D) The amount of the contract.

15 (E) The actions taken by the Department
16 of Defense to ensure that the price paid for
17 such item or items is fair and reasonable.

18 (2) PROGRAM ASSESSMENT.—If the Secretary
19 establishes the pilot program authorized under sub-
20 section (a), not later than four years after the date
21 of the enactment of this Act, the Comptroller Gen-
22 eral of the United States shall submit to the con-
23 gressional defense committees a report setting forth
24 the assessment of the Comptroller General of the ex-
25 tent to which the pilot program—

1 (A) enabled the Department to acquire
2 items that otherwise might not have been avail-
3 able to the Department;

4 (B) assisted the Department in the rapid
5 acquisition and fielding of capabilities needed to
6 meet urgent operational needs; and

7 (C) protected the interests of the United
8 States in paying fair and reasonable prices for
9 the item or items acquired.

10 (e) DEFINITIONS.—In this section:

11 (1) The term “military purpose nondevelop-
12 mental item” means a nondevelopmental item that
13 meets a validated military requirement, as deter-
14 mined in writing by the responsible program man-
15 ager, and has been developed exclusively at private
16 expense. For purposes of this paragraph, an item
17 shall not be considered to be developed exclusively at
18 private expense if development of the item was paid
19 for in whole or in part through—

20 (A) independent research and development
21 costs or bid and proposal costs that have been
22 reimbursed directly or indirectly by a Federal
23 agency or have been submitted to a Federal
24 agency for reimbursement; or

25 (B) foreign government funding.

1 (2) The term “nondevelopmental item”—

2 (A) has the meaning given that term in
3 section 4(13) of the Office of Federal Procure-
4 ment Policy Act (41 U.S.C. 403(13)); and

5 (B) also includes previously developed
6 items of supply that require modifications other
7 than those customarily available in the commer-
8 cial marketplace if such modifications are con-
9 sistent with the requirement in subsection
10 (b)(3)(A).

11 (3) The term “nontraditional defense con-
12 tractor” has the meaning given that term in section
13 2302(9) of title 10, United States Code (as added
14 by subsection (g)).

15 (4) The terms “independent research and devel-
16 opments costs” and “bid and proposal costs” have
17 the meaning given such terms in section 31.205-18
18 of the Federal Acquisition Regulation.

19 (f) SUNSET.—

20 (1) IN GENERAL.—The authority to carry out
21 the pilot program shall expire on the date that is
22 five years after the date of the enactment of this
23 Act.

24 (2) CONTINUATION OF CURRENT CONTRACTS.—

25 The expiration under paragraph (1) of the authority

1 to carry out the pilot program shall not affect the
2 validity of any contract awarded under the pilot pro-
3 gram before the date of the expiration of the pilot
4 program under that paragraph.

5 (g) STATUTORY DEFINITION OF NONTRADITIONAL
6 DEFENSE CONTRACTOR.—

7 (1) NONTRADITIONAL DEFENSE CON-
8 TRACTOR.—Section 2302 of title 10, United States
9 Code, is amended by adding at the end the fol-
10 lowing:

11 “(9) The term ‘nontraditional defense con-
12 tractor’, with respect to a procurement or with re-
13 spect to a transaction authorized under section
14 2371(a) of this title, means an entity that is not
15 currently performing and has not performed, for at
16 least the one-year period preceding the solicitation of
17 sources by the Department of Defense for the pro-
18 curement or transaction, any of the following for the
19 Department of Defense:

20 “(A) Any contract or subcontract that is
21 subject to full coverage under the cost account-
22 ing standards prescribed pursuant to section 26
23 of the Office of Federal Procurement Policy Act
24 (41 U.S.C. 422) and the regulations imple-
25 menting such section.

1 “(B) Any other contract in excess of
2 \$500,000 under which the contractor is re-
3 quired to submit certified cost or pricing data
4 under section 2306a of this title.”.

5 (2) CONFORMING AMENDMENT.—Section 845(f)
6 of the National Defense Authorization Act for Fiscal
7 Year 1994 (10 U.S.C. 2371 note) is amended to
8 read as follows:

9 “(f) NONTRADITIONAL DEFENSE CONTRACTOR DE-
10 FINED.—In this section, the term ‘nontraditional defense
11 contractor’ has the meaning provided by section 2302(9)
12 of title 10, United States Code.”.

13 **PART II—DEFENSE ACQUISITION WORKFORCE**

14 **SEC. 871. ACQUISITION WORKFORCE EXCELLENCE.**

15 (a) ACQUISITION WORKFORCE EXCELLENCE.—Sub-
16 chapter I of chapter 87 of title 10, United States Code,
17 is amended by inserting after section 1701 the following
18 new section:

19 **“§ 1701a. Management for acquisition workforce ex- 20 cellence**

21 “(a) PURPOSE.—The purpose of this chapter is to re-
22 quire the Department of Defense to develop and manage
23 a highly skilled professional acquisition workforce—

24 “(1) in which excellence and contribution to
25 mission is rewarded;

1 “(2) which has the technical expertise and busi-
2 ness skills to ensure the Department receives the
3 best value for the expenditure of public resources;

4 “(3) which serves as a model for performance
5 management of employees of the Department; and

6 “(4) which is managed in a manner that com-
7 plements and reinforces the management of the de-
8 fense acquisition system pursuant to chapter 149 of
9 this title.

10 “(b) PERFORMANCE MANAGEMENT.—In order to
11 achieve the purpose set forth in subsection (a), the Sec-
12 retary of Defense shall—

13 “(1) use the full authorities provided in sub-
14 sections (a) through (d) of section 9902 of title 5,
15 including flexibilities related to performance manage-
16 ment and hiring and to training of managers;

17 “(2) require managers to develop performance
18 plans for individual members of the acquisition
19 workforce in order to give members an under-
20 standing of how their performance contributes to
21 their organization’s mission and the success of the
22 defense acquisition system (as defined in section
23 2545 of this title);

24 “(3) to the extent appropriate, use the lessons
25 learned from the acquisition demonstration project

1 carried out under section 1762 of this title related
2 to contribution-based compensation and appraisal,
3 and how those lessons may be applied within the
4 General Schedule system;

5 “(4) develop attractive career paths;

6 “(5) encourage continuing education and train-
7 ing;

8 “(6) develop appropriate procedures for warn-
9 ings during performance evaluations for members of
10 the acquisition workforce who consistently fail to
11 meet performance standards;

12 “(7) take full advantage of the Defense Civilian
13 Leadership Program established under section 1112
14 of the National Defense Authorization Act for Fiscal
15 Year 2010 (Public Law 111–84; 123 Stat. 2496; 10
16 U.S.C. 1580 note prec.);

17 “(8) use the authorities for highly qualified ex-
18 perts under section 9903 of title 5, to hire experts
19 who are skilled acquisition professionals to—

20 “(A) serve in leadership positions within
21 the acquisition workforce to strengthen manage-
22 ment and oversight;

23 “(B) provide mentors to advise individuals
24 within the acquisition workforce on their career

1 paths and opportunities to advance and excel
2 within the acquisition workforce; and

3 “(C) assist with the design of education
4 and training courses and the training of indi-
5 viduals in the acquisition workforce; and

6 “(9) use the authorities for expedited security
7 clearance processing pursuant to section 1564 of
8 this title.

9 “(c) NEGOTIATIONS.—Any action taken by the Sec-
10 retary under this section, or to implement this section,
11 shall be subject to the requirements of chapter 71 of title
12 5.

13 “(d) REGULATIONS.—Any rules or regulations pre-
14 scribed pursuant to this section shall be deemed an agency
15 rule or regulation under section 7117(a)(2) of title 5, and
16 shall not be deemed a Government-wide rule or regulation
17 under section 7117(a)(1) of such title.”

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such subchapter is amended by insert-
20 ing after the item relating to section 1701 the following
21 new item:

“1701a. Management for acquisition workforce excellence.”

22 **SEC. 872. AMENDMENTS TO THE ACQUISITION WORKFORCE**

23 **DEMONSTRATION PROJECT.**

24 (a) CODIFICATION INTO TITLE 10.—

1 (1) IN GENERAL.—Chapter 87 of title 10,
2 United States Code, is amended by inserting after
3 section 1761 the following new section:

4 **“§ 1762. Demonstration project relating to certain ac-**
5 **quisition personnel management policies**
6 **and procedures**

7 “(a) COMMENCEMENT.—The Secretary of Defense is
8 authorized to carry out a demonstration project, the pur-
9 pose of which is to determine the feasibility or desirability
10 of one or more proposals for improving the personnel man-
11 agement policies or procedures that apply with respect to
12 the acquisition workforce of the Department of Defense
13 and supporting personnel assigned to work directly with
14 the acquisition workforce.

15 “(b) TERMS AND CONDITIONS.—(1) Except as other-
16 wise provided in this subsection, any demonstration
17 project described in subsection (a) shall be subject to sec-
18 tion 4703 of title 5 and all other provisions of such title
19 that apply with respect to any demonstration project
20 under such section.

21 “(2) Subject to paragraph (3), in applying section
22 4703 of title 5 with respect to a demonstration project
23 described in subsection (a)—

24 “(A) ‘180 days’ in subsection (b)(4) of such
25 section shall be deemed to read ‘120 days’;

1 “(B) ‘90 days’ in subsection (b)(6) of such sec-
2 tion shall be deemed to read ‘30 days’; and

3 “(C) subsection (d)(1) of such section shall be
4 disregarded.

5 “(3) Paragraph (2) shall not apply with respect to
6 a demonstration project unless—

7 “(A) for each organization or team partici-
8 pating in the demonstration project—

9 “(i) at least one-third of the workforce par-
10 ticipating in the demonstration project consists
11 of members of the acquisition workforce; and

12 “(ii) at least two-thirds of the workforce
13 participating in the demonstration project con-
14 sists of members of the acquisition workforce
15 and supporting personnel assigned to work di-
16 rectly with the acquisition workforce; and

17 “(B) the demonstration project commences be-
18 fore October 1, 2007.

19 “(c) LIMITATION ON NUMBER OF PARTICIPANTS.—
20 The total number of persons who may participate in the
21 demonstration project under this section may not exceed
22 120,000.

23 “(d) EFFECT OF REORGANIZATIONS.—The applica-
24 bility of paragraph (2) of subsection (b) to an organiza-
25 tion or team shall not terminate by reason that the organiza-

1 tion or team, after having satisfied the conditions in para-
2 graph (3) of such subsection when it began to participate
3 in a demonstration project under this section, ceases to
4 meet one or both of the conditions set forth in subpara-
5 graph (A) of such paragraph (3) as a result of a reorga-
6 nization, restructuring, realignment, consolidation, or
7 other organizational change.

8 “(e) ASSESSMENTS.—(1) The Secretary of Defense
9 shall designate an independent organization to conduct
10 two assessments of the acquisition workforce demonstra-
11 tion project described in subsection (a).

12 “(2) Each such assessment shall include the fol-
13 lowing:

14 “(A) A description of the workforce included in
15 the project.

16 “(B) An explanation of the flexibilities used in
17 the project to appoint individuals to the acquisition
18 workforce and whether those appointments are based
19 on competitive procedures and recognize veteran’s
20 preferences.

21 “(C) An explanation of the flexibilities used in
22 the project to develop a performance appraisal sys-
23 tem that recognizes excellence in performance and
24 offers opportunities for improvement.

1 “(D) The steps taken to ensure that such sys-
2 tem is fair and transparent for all employees in the
3 project.

4 “(E) How the project allows the organization to
5 better meet mission needs.

6 “(F) An analysis of how the flexibilities in sub-
7 paragraphs (B) and (C) are used, and what barriers
8 have been encountered that inhibit their use.

9 “(G) Whether there is a process for—

10 “(i) ensuring ongoing performance feed-
11 back and dialogue among supervisors, man-
12 agers, and employees throughout the perform-
13 ance appraisal period; and

14 “(ii) setting timetables for performance ap-
15 praisals.

16 “(H) The project’s impact on career progres-
17 sion.

18 “(I) The project’s appropriateness or inappro-
19 priateness in light of the complexities of the work-
20 force affected.

21 “(J) The project’s sufficiency in terms of pro-
22 viding protections for diversity in promotion and re-
23 tention of personnel.

1 “(K) The adequacy of the training, policy
2 guidelines, and other preparations afforded in con-
3 nection with using the project.

4 “(L) Whether there is a process for ensuring
5 employee involvement in the development and im-
6 provement of the project.

7 “(3) The first assessment under this subsection shall
8 be completed not later than September 30, 2012. The sec-
9 ond and final assessment shall be completed not later than
10 September 30, 2016. The Secretary shall submit to the
11 covered congressional committees a copy of each assess-
12 ment within 30 days after receipt by the Secretary of the
13 assessment.

14 “(f) COVERED CONGRESSIONAL COMMITTEES.—In
15 this section, the term ‘covered congressional committees’
16 means—

17 “(1) the Committees on Armed Services of the
18 Senate and the House of Representatives;

19 “(2) the Committee on Homeland Security and
20 Governmental Affairs of the Senate; and

21 “(3) the Committee on Oversight and Govern-
22 ment Reform of the House of Representatives.

23 “(g) TERMINATION OF AUTHORITY.—The authority
24 to conduct a demonstration program under this section
25 shall terminate on September 30, 2017.

1 “(h) CONVERSION.—Within 6 months after the au-
 2 thority to conduct a demonstration project under this sec-
 3 tion is terminated as provided in subsection (g), employees
 4 in the project shall convert to the civilian personnel system
 5 created pursuant to section 9902 of title 5.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
 7 tions at the beginning of subchapter V of chapter 87
 8 of title 10, United States Code, is amended by in-
 9 serting after the item relating to section 1761 the
 10 following new item:

 “1762. Demonstration project relating to certain acquisition personnel manage-
 ment policies and procedures.”.

11 (b) CONFORMING REPEAL.—Section 4308 of the Na-
 12 tional Defense Authorization Act for Fiscal Year 1996
 13 (Public Law 104–106; 10 U.S.C. 1701 note) is repealed.

14 **SEC. 873. CAREER DEVELOPMENT FOR CIVILIAN AND MILI-**
 15 **TARY PERSONNEL IN THE ACQUISITION**
 16 **WORKFORCE.**

17 (a) CAREER PATHS.—

18 (1) AMENDMENT.—Chapter 87 of title 10,
 19 United States Code, is amended by inserting after
 20 section 1722a the following new section:

21 **“§ 1722b. Special requirements for civilian employees**
 22 **in the acquisition field**

23 “(a) REQUIREMENT FOR POLICY AND GUIDANCE RE-
 24 GARDING CIVILIAN PERSONNEL IN ACQUISITION.—The

1 Secretary of Defense, acting through the Under Secretary
2 of Defense for Acquisition, Technology, and Logistics,
3 shall establish policies and issue guidance to ensure the
4 proper development, assignment, and employment of civil-
5 ian members of the acquisition workforce to achieve the
6 objectives specified in subsection (b).

7 “(b) OBJECTIVES.—Policies established and guidance
8 issued pursuant to subsection (a) shall ensure, at a min-
9 imum, the following:

10 “(1) A career path in the acquisition field that
11 attracts the highest quality civilian personnel, from
12 either within or outside the Federal Government.

13 “(2) A deliberate workforce development strat-
14 egy that increases attainment of key experiences
15 that contribute to a highly qualified acquisition
16 workforce.

17 “(3) Sufficient opportunities for promotion and
18 advancement in the acquisition field.

19 “(4) A sufficient number of qualified, trained
20 members eligible for and active in the acquisition
21 field to ensure adequate capacity, capability, and ef-
22 fective succession for acquisition functions, including
23 contingency contracting, of the Department of De-
24 fense.

1 “(5) A deliberate workforce development strat-
2 egy that ensures diversity in promotion, advance-
3 ment, and experiential opportunities commensurate
4 with the general workforce outlined in this section.

5 “(c) INCLUSION OF INFORMATION IN ANNUAL RE-
6 PORT.—The Secretary of Defense shall include in the re-
7 port to Congress required under section 115b(d) of this
8 title the following information related to the acquisition
9 workforce for the period covered by the report (which shall
10 be shown for the Department of Defense as a whole and
11 separately for the Army, Navy, Air Force, Marine Corps,
12 Defense Agencies, and Office of the Secretary of Defense):

13 “(1) The total number of persons serving in the
14 Acquisition Corps, set forth separately for members
15 of the armed forces and civilian employees, by grade
16 level and by functional specialty.

17 “(2) The total number of critical acquisition po-
18 sitions held, set forth separately for members of the
19 armed forces and civilian employees, by grade level
20 and by other appropriate categories (including by
21 program manager, deputy program manager, and di-
22 vision head positions), including average length of
23 time served in each position. For each such category,
24 the report shall specify the number of civilians hold-

1 ing such positions compared to the total number of
2 positions filled.

3 “(3) The number of employees to whom the re-
4 quirements of subsections (b)(2)(A) and (b)(2)(B) of
5 section 1732 of this title did not apply because of
6 the exceptions provided in paragraphs (1) and (2) of
7 section 1732(c) of this title, set forth separately by
8 type of exception.

9 “(4) The number of times a waiver authority
10 was exercised under section 1724(d), 1732(d),
11 1734(d), or 1736(c) of this title or any other provi-
12 sion of this chapter (or other provision of law) which
13 permits the waiver of any requirement relating to
14 the acquisition workforce, and in the case of each
15 such authority, the reasons for exercising the au-
16 thority. The Secretary may present the information
17 provided under this paragraph by category or group-
18 ing of types of waivers and reasons.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of subchapter II of chapter 87
21 of such title is amended by inserting after the item
22 relating to section 1722a the following new item:

“1722b. Special requirements for civilian employees in the acquisition field.”.

23 (b) CAREER EDUCATION AND TRAINING.—Section
24 1723 of such title is amended by redesignating subsection

1 (b) as subsection (c) and inserting after subsection (a) the
2 following new subsection:

3 “(b) CAREER PATH REQUIREMENTS.—For each ca-
4 reer path, the Secretary of Defense, acting through the
5 Under Secretary of Defense for Acquisition, Technology,
6 and Logistics, shall establish requirements for the comple-
7 tion of course work and related on-the-job training and
8 demonstration of qualifications in the critical acquisition-
9 related duties and tasks of the career path. The Secretary
10 of Defense, acting through the Under Secretary, shall
11 also—

12 “(1) encourage individuals in the acquisition
13 workforce to maintain the currency of their acquisi-
14 tion knowledge and generally enhance their knowl-
15 edge of related acquisition management disciplines
16 through academic programs and other self-develop-
17 mental activities; and

18 “(2) develop key work experiences, including
19 the creation of a program sponsored by the Depart-
20 ment of Defense that facilitates the periodic inter-
21 action between individuals in the acquisition work-
22 force and the end user in such end user’s environ-
23 ment to enhance the knowledge base of such work-
24 force, for individuals in the acquisition workforce so
25 that the individuals may gain in-depth knowledge

1 and experience in the acquisition process and become
2 seasoned, well-qualified members of the acquisition
3 workforce.”.

4 **SEC. 874. RECERTIFICATION AND TRAINING REQUIRE-**
5 **MENTS.**

6 (a) CONTINUING EDUCATION.—Section 1723 of title
7 10, United States Code, as amended by section 873, is
8 further amended by amending subsection (a) to read as
9 follows:

10 “(a) QUALIFICATION REQUIREMENTS.—(1) The Sec-
11 retary of Defense shall establish education, training, and
12 experience requirements for each acquisition position,
13 based on the level of complexity of duties carried out in
14 the position. In establishing such requirements, the Sec-
15 retary shall ensure the availability and sufficiency of train-
16 ing in all areas of acquisition, including additional training
17 courses with an emphasis on services contracting, market
18 research strategies (including assessments of local con-
19 tracting capabilities), long-term sustainment strategies,
20 information technology, and rapid acquisition.

21 “(2) In establishing such requirements for positions
22 other than critical acquisition positions designated pursu-
23 ant to section 1733 of this title, the Secretary may state
24 the requirements by categories of positions.

1 “(3) The Secretary of Defense, acting through the
2 Under Secretary of Defense for Acquisition, Technology,
3 and Logistics, shall establish requirements for continuing
4 education and periodic renewal of an individual’s certifi-
5 cation. Any requirement for a certification renewal shall
6 not require a renewal more often than once every five
7 years.”.

8 (b) STANDARDS FOR TRAINING.—

9 (1) IN GENERAL.—Subchapter IV of Chapter
10 87 of title 10, United States Code, is amended by
11 adding at the end the following new section:

12 **“§ 1748. Fulfillment standards for acquisition work-**
13 **force training**

14 “The Secretary of Defense, acting through the Under
15 Secretary of Defense for Acquisition, Technology, and Lo-
16 gistics, shall develop fulfillment standards, and implement
17 and maintain a program, for purposes of the training re-
18 quirements of sections 1723, 1724, and 1735 of this title.
19 Such fulfillment standards shall consist of criteria for de-
20 termining whether an individual has demonstrated com-
21 petence in the areas that would be taught in the training
22 courses required under those sections. If an individual
23 meets the appropriate fulfillment standard, the applicable
24 training requirement is fulfilled.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such subchapter is amend-
3 ed by adding at the end the following new item:

“1748. Fulfillment standards for acquisition workforce training.”.

4 (3) DEADLINE FOR FULFILLMENT STAND-
5 ARDS.—The fulfillment standards required under
6 section 1748 of title 10, United States Code, as
7 added by paragraph (1), shall be developed not later
8 than 270 days after the date of the enactment of
9 this Act.

10 (4) CONFORMING REPEAL.—Section 853 of
11 Public Law 105–85 (111 Stat. 1851) is repealed.

12 **SEC. 875. INFORMATION TECHNOLOGY ACQUISITION**
13 **WORKFORCE.**

14 (a) PLAN REQUIRED.—The Secretary of Defense
15 shall develop and carry out a plan to strengthen the part
16 of the acquisition workforce that specializes in information
17 technology. The plan shall include the following:

18 (1) Defined targets for billets devoted to infor-
19 mation technology acquisition.

20 (2) Specific certification requirements for indi-
21 viduals in the acquisition workforce who specialize in
22 information technology acquisition.

23 (3) Defined career paths for individuals in the
24 acquisition workforce who specialize in information
25 technology acquisitions.

1 (b) DEFINITIONS.—In this section:

2 (1) The term “information technology” has the
3 meaning provided such term in section 11101 of title
4 40, United States Code, and includes information
5 technology incorporated into a major weapon system.

6 (2) The term “major weapon system” has the
7 meaning provided such term in section 2379(f) of
8 title 10, United States Code.

9 (c) DEADLINE.—The Secretary of Defense shall de-
10 velop the plan required under this section not later than
11 270 days after the date of the enactment of this Act.

12 **SEC. 876. DEFINITION OF ACQUISITION WORKFORCE.**

13 Section 101(a) of title 10, United States Code, is
14 amended by inserting after paragraph (17) the following
15 new paragraph:

16 “(18) The term ‘acquisition workforce’ means
17 the persons serving in acquisition positions within
18 the Department of Defense, as designated pursuant
19 to section 1721(a) of this title.”.

20 **SEC. 877. DEFENSE ACQUISITION UNIVERSITY CUR-**
21 **RICULUM REVIEW.**

22 (a) CURRICULUM REVIEW.—Not later than one year
23 after the date of the enactment of this Act, the Under
24 Secretary of Defense for Acquisition, Technology, and Lo-
25 gistics shall lead a review of the curriculum offered by the

1 Defense Acquisition University to ensure it adequately
2 supports the training and education requirements of ac-
3 quisition professionals, particularly in service contracting,
4 long term sustainment strategies, information technology,
5 and rapid acquisition. The review shall also involve the
6 service acquisition executives of each military department.

7 (b) ANALYSIS OF FUNDING REQUIREMENTS FOR
8 TRAINING.—Following the review conducted under sub-
9 section (a), the Secretary of Defense shall analyze the
10 most recent future-years defense program to determine
11 the amounts of estimated expenditures and proposed ap-
12 propriations necessary to support the training require-
13 ments of the amendments made by section 874, including
14 any new training requirements determined after the review
15 conducted under subsection (a). The Secretary shall iden-
16 tify any additional funding needed for such training re-
17 quirements in the separate chapter on the defense acquisi-
18 tion workforce required in the next annual strategic work-
19 force plan under 115b of title 10, United States Code.

20 (c) REQUIREMENT FOR ONGOING CURRICULUM DE-
21 VELOPMENT WITH CERTAIN SCHOOLS.—

22 (1) REQUIREMENT.—Section 1746 of title 10,
23 United States Code, is amended by adding at the
24 end the following new subsection:

1 “(c) CURRICULUM DEVELOPMENT.—The President
2 of the Defense Acquisition University shall work with the
3 relevant professional schools and degree-granting institu-
4 tions of the Department of Defense and military depart-
5 ments to ensure that best practices are used in curriculum
6 development to support acquisition workforce positions.”.

7 (2) AMENDMENT TO SECTION HEADING.—(A)
8 The heading of section 1746 of such title is amended
9 to read as follows:

10 **“§ 1746. Defense Acquisition University”.**

11 (B) The item relating to section 1746 in the
12 table of sections at the beginning of subchapter IV
13 of chapter 87 of such title is amended to read as fol-
14 lows:

“1746. Defense Acquisition University.”.

15 **PART III—FINANCIAL MANAGEMENT**

16 **SEC. 881. AUDIT READINESS OF FINANCIAL STATEMENTS**
17 **OF THE DEPARTMENT OF DEFENSE.**

18 (a) INTERIM MILESTONES.—

19 (1) REQUIREMENT.—Not later than 90 days
20 after the date of the enactment of this Act, the
21 Under Secretary of Defense (Comptroller), in con-
22 sultation with the Deputy Chief Management Officer
23 of the Department of Defense, the secretaries of the
24 military departments, and the heads of the defense
25 agencies and defense field activities, shall establish

1 interim milestones for achieving audit readiness of
2 the financial statements of the Department of De-
3 fense, consistent with the requirements of section
4 1003 of the National Defense Authorization Act for
5 Fiscal Year 2010 (Public Law 111–84; 123 Stat.
6 2439; 10 U.S.C. 2222 note).

7 (2) MATTERS INCLUDED.—The interim mile-
8 stones established pursuant to paragraph (1) shall
9 include, at a minimum, for each military department
10 and for the defense agencies and defense field activi-
11 ties—

12 (A) an interim milestone for achieving
13 audit readiness for each major element of the
14 statement of budgetary resources, including ci-
15 vilian pay, military pay, supply orders, con-
16 tracts, and funds balance with the Treasury;
17 and

18 (B) an interim milestone for addressing
19 the existence and completeness of each major
20 category of Department of Defense assets, in-
21 cluding military equipment, real property, in-
22 ventory, and operating material and supplies.

23 (3) DESCRIPTION IN SEMIANNUAL REPORTS.—
24 The Under Secretary shall describe each interim
25 milestone established pursuant to paragraph (1) in

1 the next semiannual report submitted pursuant to
2 section 1003(b) of the National Defense Authoriza-
3 tion Act for Fiscal Year 2010 (Public Law 111–84;
4 123 Stat. 2439; 10 U.S.C. 2222 note). Each subse-
5 quent semiannual report submitted pursuant to sec-
6 tion 1003(b) shall explain how the Department has
7 progressed toward meeting such interim milestones.

8 (b) VALUATION OF DEPARTMENT OF DEFENSE AS-
9 SETS.—

10 (1) REQUIREMENT.—Not later than 120 days
11 after the date of the enactment of this Act, the
12 Under Secretary of Defense (Comptroller) shall, in
13 consultation with other appropriate Federal agencies
14 and officials—

15 (A) examine the costs and benefits of alter-
16 native approaches to the valuation of Depart-
17 ment of Defense assets;

18 (B) select an approach to such valuation
19 that is consistent with principles of sound fi-
20 nancial management and the conservation of
21 taxpayer resources; and

22 (C) begin the preparation of a business
23 case analysis supporting the selected approach.

24 (2) The Under Secretary shall include informa-
25 tion on the alternatives considered, the selected ap-

1 proach, and the business case analysis supporting
2 that approach in the next semiannual report sub-
3 mitted pursuant to section 1003(b) of the National
4 Defense Authorization Act for Fiscal Year 2010
5 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C.
6 2222 note).

7 (c) REMEDIAL ACTIONS REQUIRED.—In the event
8 that the Department of Defense, or any component of the
9 Department of Defense, is unable to meet an interim mile-
10 stone established pursuant to subsection (a), the Under
11 Secretary of Defense (Comptroller) shall—

12 (1) develop a remediation plan to ensure that—

13 (A) the component will meet the interim
14 milestone no more than one year after the origi-
15 nally scheduled date; and

16 (B) the component’s failure to meet the in-
17 terim milestone will not have an adverse impact
18 on the Department’s ability to carry out the
19 plan under section 1003(a) of the National De-
20 fense Authorization Act for Fiscal Year 2010
21 (Public Law 111–84; 123 Stat. 2439; 10
22 U.S.C. 2222 note); and

23 (2) include in the next semiannual report sub-
24 mitted pursuant to section 1003(b) of the National
25 Defense Authorization Act for Fiscal Year 2010

1 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C.
2 2222 note)—

3 (A) a statement of the reasons why the
4 Department of Defense, or component of the
5 Department of Defense, will be unable to meet
6 such interim milestone;

7 (B) the revised completion date for meet-
8 ing such interim milestone; and

9 (C) a description of the actions that have
10 been taken and are planned to be taken by the
11 Department of Defense, or component of the
12 Department of Defense, to meet such interim
13 milestone.

14 (d) INCENTIVES FOR ACHIEVING AUDITABILITY.—

15 (1) REVIEW REQUIRED.—Not later than 120
16 days after the date of the enactment of this Act, the
17 Under Secretary of Defense (Comptroller) shall re-
18 view options for providing appropriate incentives to
19 the military departments, Defense Agencies, and de-
20 fense field activities to ensure that financial state-
21 ments are validated as ready for audit earlier than
22 September 30, 2017.

23 (2) OPTIONS REVIEWED.—The review per-
24 formed pursuant to paragraph (1) shall consider
25 changes in policy that reflect the increased con-

1 fidence that can be placed in auditable financial
2 statements, and shall include, at a minimum, consid-
3 eration of the following options:

4 (A) Consistent with the need to fund ur-
5 gent warfighter requirements and operational
6 needs, priority in the release of appropriated
7 funds.

8 (B) Relief from the frequency of financial
9 reporting in cases in which such reporting is
10 not required by law.

11 (C) Relief from departmental obligation
12 and expenditure thresholds to the extent that
13 such thresholds establish requirements more re-
14 strictive than those required by law.

15 (D) Increases in thresholds for reprogram-
16 ming of funds.

17 (E) Personnel management incentives for
18 the financial and business management work-
19 force.

20 (F) Such other measures as the Under
21 Secretary considers appropriate.

22 (3) REPORT.—The Under Secretary shall in-
23 clude a discussion of the review performed pursuant
24 to paragraph (1) in the next semiannual report pur-
25 suant to section 1003(b) of the National Defense

1 Authorization Act for Fiscal Year 2010 (Public Law
2 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) and
3 for each option considered pursuant to paragraph
4 (2) shall include—

5 (A) an assessment of the extent to which
6 the implementation of the option—

7 (i) would be consistent with the effi-
8 cient operation of the Department of De-
9 fense and the effective funding of essential
10 Department of Defense programs and ac-
11 tivities; and

12 (ii) would contribute to the achieve-
13 ment of Department of Defense goals to
14 prepare auditable financial statements; and

15 (B) a recommendation on whether such op-
16 tion should be adopted, a schedule for imple-
17 menting the option if adoption is recommended,
18 or a reason for not recommending the option if
19 adoption is not recommended.

20 **SEC. 882. REVIEW OF OBLIGATION AND EXPENDITURE**
21 **THRESHOLDS.**

22 (a) **PROCESS REVIEW.**—Not later than one year after
23 the date of the enactment of this Act, the Chief Manage-
24 ment Officer of the Department of Defense, in coordina-
25 tion with the Chief Management Officer of each military

1 department, the Director of the Office of Performance As-
2 sessment and Root Cause Analysis, the Under Secretary
3 of Defense (Comptroller), and the Comptrollers of the
4 military departments, shall complete a comprehensive re-
5 view of the use and value of obligation and expenditure
6 benchmarks and propose new benchmarks or processes for
7 tracking financial performance, including, as appro-
8 priate—

9 (1) increased reliance on individual obligation
10 and expenditure plans for measuring program finan-
11 cial performance;

12 (2) mechanisms to improve funding stability
13 and to increase the predictability of the release of
14 funding for obligation and expenditure; and

15 (3) streamlined mechanisms for a program
16 manager to submit an appeal for funding changes
17 and to have such appeal evaluated promptly.

18 (b) TRAINING.—The Under Secretary of Defense for
19 Acquisition, Technology, and Logistics and the Under Sec-
20 retary of Defense (Comptroller) shall ensure that, as part
21 of the training required for program managers and busi-
22 ness managers, an emphasis is placed on obligating and
23 expending appropriated funds in a manner that achieves
24 the best value for the Government and that the purpose

1 and limitations of obligation and expenditure benchmarks
2 are made clear.

3 (c) REPORT.—The Deputy Chief Management Offi-
4 cer of the Department of Defense shall include a report
5 on the results of the review under this section in the next
6 update of the strategic management plan transmitted to
7 the Committees on Armed Services of the Senate and the
8 House of Representatives under section 904(d) of the Na-
9 tional Defense Authorization Act for Fiscal Year 2008
10 (Public Law 110–181; 122 Stat. 275; 10 U.S.C. note prec.
11 2201) after the completion of the review.

12 **SEC. 883. DISCLOSURE AND TRACEABILITY OF THE COST**
13 **OF DEPARTMENT OF DEFENSE HEALTH CARE**
14 **CONTRACTS.**

15 (a) REPORT.—

16 (1) REQUIREMENT.—Not later than September
17 30, 2011, the Comptroller General of the United
18 States shall submit to the Committee on Armed
19 Services of the Senate and the Committee on Armed
20 Services of the House of Representatives a detailed
21 report on the additional cost to the Department of
22 Defense associated with compliance with the Patient
23 Protection and Affordable Care Act (Public Law
24 111–148) and the Health Care and Education Rec-
25 onciliation Act of 2010 (Public Law 111–152).

1 (2) MATTERS COVERED.—The report required
2 by paragraph (1) shall include an estimate of—

3 (A) the additional costs, if any, incurred
4 on health care contracts to comply with such
5 Acts; and

6 (B) any other additional costs to the De-
7 partment of Defense to comply with such Acts.

8 (b) HEALTH CARE CONTRACT DEFINED.—In this
9 section, the term “health care contract” means a contract
10 awarded by the Department of Defense in an amount
11 greater than the simplified acquisition threshold for the
12 acquisition of any of the following:

13 (1) Medical supplies.

14 (2) Health care services and administration, in-
15 cluding the services of medical personnel.

16 (3) Durable medical equipment.

17 (4) Pharmaceuticals.

18 (5) Health care-related information technology.

19 **PART IV—INDUSTRIAL BASE**

20 **SEC. 891. EXPANSION OF THE INDUSTRIAL BASE.**

21 (a) PROGRAM TO EXPAND INDUSTRIAL BASE RE-
22 QUIRED.—The Secretary of Defense shall establish a pro-
23 gram to expand the industrial base of the Department of
24 Defense to increase the Department’s access to innovation
25 and the benefits of competition.

1 (b) IDENTIFYING AND COMMUNICATING WITH FIRMS
2 THAT ARE NOT TRADITIONAL SUPPLIERS.—The program
3 established under subsection (a) shall use tools and re-
4 sources available within the Federal Government and
5 available from the private sector to provide a capability
6 for identifying and communicating with firms that are not
7 traditional suppliers, including commercial firms and
8 firms of all business sizes, that are engaged in markets
9 of importance to the Department of Defense in which such
10 firms can make a significant contribution.

11 (c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE IN-
12 STALLATIONS.—The program established under sub-
13 section (a) shall include outreach, using procurement tech-
14 nical assistance centers, to firms of all business sizes in
15 the vicinity of Department of Defense installations regard-
16 ing opportunities to obtain contracts and subcontracts to
17 perform work at such installations.

18 (d) INDUSTRIAL BASE REVIEW.—The program es-
19 tablished under subsection (a) shall include a continuous
20 effort to review the industrial base supporting the Depart-
21 ment of Defense, including the identification of markets
22 of importance to the Department of Defense in which
23 firms that are not traditional suppliers can make a signifi-
24 cant contribution.

1 (e) FIRMS THAT ARE NOT TRADITIONAL SUP-
2 PLIERS.—For purposes of this section, a firm is not a tra-
3 ditional supplier of the Department of Defense if it does
4 not currently have contracts and subcontracts to perform
5 work for the Department of Defense with a total combined
6 value in excess of \$500,000

7 (f) PROCUREMENT TECHNICAL ASSISTANCE CEN-
8 TER.—In this section, the term “procurement technical
9 assistance center” means a center operating under a coop-
10 erative agreement with the Defense Logistics Agency to
11 provide procurement technical assistance pursuant to the
12 authority provided in chapter 142 of title 10, United
13 States Code.

14 **SEC. 892. PRICE TREND ANALYSIS FOR SUPPLIES AND**
15 **EQUIPMENT PURCHASED BY THE DEPART-**
16 **MENT OF DEFENSE.**

17 (a) PRICE TREND ANALYSIS PROCEDURES.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall develop and implement procedures that, to the
20 maximum extent practicable, provide for the collec-
21 tion and analysis of information on price trends for
22 covered supplies and equipment purchased by the
23 Department of Defense. The procedures shall in-
24 clude an automated process for identifying cat-
25 egories of covered supplies and equipment described

1 in paragraph (2) that have experienced significant
2 escalation in prices.

3 (2) CATEGORY OF COVERED SUPPLIES AND
4 EQUIPMENT.—A category of covered supplies and
5 equipment referred to in paragraph (1) consists of
6 covered supplies and equipment that have the same
7 National Stock Number, are in a single Federal
8 Supply Group or Federal Supply Class, are provided
9 by a single contractor, or are otherwise logically
10 grouped for the purpose of analyzing information on
11 price trends.

12 (3) REQUIREMENT TO EXAMINE CAUSES OF ES-
13 CALATION.—An analysis conducted pursuant to
14 paragraph (1) shall include, for any category in
15 which significant escalation in prices is identified, a
16 more detailed examination of the causes of esca-
17 lation for such prices within the category and wheth-
18 er such price escalation is consistent across the De-
19 partment of Defense.

20 (4) REQUIREMENT TO ADDRESS UNJUSTIFIED
21 ESCALATION.—The head of a Defense Agency or the
22 Secretary of a military department shall take appro-
23 priate action to address any unjustified escalation in
24 prices being paid for items procured by that agency

1 or military department as identified in an analysis
2 conducted pursuant to paragraph (1).

3 (b) ANNUAL REPORT.—Not later than April 1 of
4 each year, the Secretary of Defense shall submit to the
5 Committee on Armed Services of the Senate and the Com-
6 mittee on Armed Services of the House of Representatives
7 a report on the analyses of price trends that were con-
8 ducted for categories of covered supplies and equipment
9 during the preceding fiscal year under the procedures im-
10 plemented pursuant to paragraph (1). The report shall in-
11 clude a description of the actions taken to identify and
12 address any unjustified price escalation for the categories
13 of items.

14 (c) DEFINITIONS.—In this section:

15 (1) SUPPLIES AND EQUIPMENT.—The term
16 “supplies and equipment” means items classified as
17 supplies and equipment under the Federal Supply
18 Classification System.

19 (2) COVERED SUPPLIES AND EQUIPMENT.—The
20 term “covered supplies and equipment” means all
21 supplies and equipment purchased by the Depart-
22 ment of Defense. The term does not include major
23 weapon systems but does include individual parts
24 and components purchased as spare or replenish-
25 ment parts for such weapon systems.

1 (d) SUNSET DATE.—This section shall not be in ef-
2 fect on and after April 1, 2015.

3 **SEC. 893. CONTRACTOR BUSINESS SYSTEMS.**

4 (a) IMPROVEMENT PROGRAM.—Not later than 270
5 days after the date of the enactment of this Act, the Sec-
6 retary of Defense shall develop and initiate a program for
7 the improvement of contractor business systems to ensure
8 that such systems provide timely, reliable information for
9 the management of Department of Defense programs by
10 the contractor and by the Department.

11 (b) APPROVAL OR DISAPPROVAL OF BUSINESS SYS-
12 TEMS.—The program developed pursuant to subsection
13 (a) shall—

14 (1) include system requirements for each type
15 of contractor business system covered by the pro-
16 gram;

17 (2) establish a process for reviewing contractor
18 business systems and identifying significant defi-
19 ciencies in such systems;

20 (3) identify officials of the Department of De-
21 fense who are responsible for the approval or dis-
22 approval of contractor business systems;

23 (4) provide for the approval of any contractor
24 business system that does not have a significant de-
25 ficiency; and

1 (5) provide for—

2 (A) the disapproval of any contractor busi-
3 ness system that has a significant deficiency;
4 and

5 (B) reduced reliance on, and enhanced
6 scrutiny of, data provided by a contractor busi-
7 ness system that has been disapproved.

8 (c) REMEDIAL ACTIONS.—The program developed
9 pursuant to subsection (a) shall provide the following:

10 (1) In the event a contractor business system is
11 disapproved pursuant to subsection (b)(5), appro-
12 priate officials of the Department of Defense will be
13 available to work with the contractor to develop a
14 corrective action plan defining specific actions to be
15 taken to address the significant deficiencies identi-
16 fied in the system and a schedule for the implemen-
17 tation of such actions.

18 (2) An appropriate official of the Department
19 of Defense may withhold up to 10 percent of
20 progress payments, performance-based payments,
21 and interim payments under covered contracts from
22 a covered contractor, as needed to protect the inter-
23 ests of the Department and ensure compliance, if
24 one or more of the contractor business systems of
25 the contractor has been disapproved pursuant to

1 subsection (b)(5) and has not subsequently received
2 approval.

3 (3) The amount of funds to be withheld under
4 paragraph (2) shall be reduced if a contractor
5 adopts an effective corrective action plan pursuant
6 to paragraph (1) and is effectively implementing
7 such plan.

8 (d) GUIDANCE AND TRAINING.—The program devel-
9 oped pursuant to subsection (a) shall provide guidance and
10 training to appropriate government officials on the data
11 that is produced by contractor business systems and the
12 manner in which such data should be used to effectively
13 manage Department of Defense programs.

14 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to prohibit an official of the De-
16 partment of Defense from reviewing, approving, or dis-
17 approving a contractor business system pursuant to any
18 applicable law or regulation in force as of the date of the
19 enactment of this Act during the period between the date
20 of the enactment of this Act and the date on which the
21 Secretary implements the requirements of this section
22 with respect to such system.

23 (f) DEFINITIONS.—In this section:

24 (1) The term “contractor business system”
25 means an accounting system, estimating system,

1 purchasing system, earned value management sys-
2 tem, material management and accounting system,
3 or property management system of a contractor.

4 (2) The term “covered contractor” means a
5 contractor that is subject to the cost accounting
6 standards under section 26 of the Office of Federal
7 Procurement Policy Act (41 U.S.C. 422).

8 (3) The term “covered contract” means a cost-
9 reimbursement contract, incentive-type contract,
10 time-and-materials contract, or labor-hour contract
11 that could be affected if the data produced by a con-
12 tractor business system has a significant deficiency.

13 (4) The term “significant deficiency”, in the
14 case of a contractor business system, means a short-
15 coming in the system that materially affects the abil-
16 ity of officials of the Department of Defense and the
17 contractor to rely upon information produced by the
18 system that is needed for management purposes.

19 (g) DEFENSE CONTRACT AUDIT AGENCY LEGAL RE-
20 SOURCES AND EXPERTISE.—

21 (1) REQUIREMENT.—The Secretary of Defense
22 shall ensure that—

23 (A) the Defense Contract Audit Agency
24 has sufficient legal resources and expertise to
25 conduct its work in compliance with applicable

1 Department of Defense policies and procedures;
2 and

3 (B) such resources and expertise are pro-
4 vided in a manner that is consistent with the
5 audit independence of the Defense Contract
6 Audit Agency.

7 (2) REPORT.—Not later than 180 days after
8 the date of the enactment of this Act, the Secretary
9 shall submit to the Committees on Armed Services
10 of the Senate and the House of Representatives a
11 report on the steps taken to comply with the require-
12 ments of this subsection.

13 **SEC. 894. REVIEW AND RECOMMENDATIONS ON ELIMI-**
14 **NATING BARRIERS TO CONTRACTING WITH**
15 **THE DEPARTMENT OF DEFENSE.**

16 (a) REVIEW AND RECOMMENDATIONS.—The Sec-
17 retary of Defense, acting through the Director of Small
18 Business Programs in the Department of Defense, shall
19 review barriers to firms that are not traditional suppliers
20 to the Department of Defense wishing to contract with
21 the Department of Defense and its defense supply centers
22 and develop a set of recommendations on the elimination
23 of such barriers. The Director shall identify and consult
24 with a wide range of firms that are not traditional sup-
25 pliers to the Department of Defense for the purpose of

1 identifying such barriers and developing such rec-
2 ommendations.

3 (b) DEFINITION.—For the purposes of this section,
4 a firm is not a traditional supplier of the Department of
5 Defense if it does not currently have contracts and sub-
6 contracts to perform work for the Department of Defense
7 with a total combined value in excess of \$500,000.

8 (c) REPORT.—Not later than one year after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall submit to Congress a report summarizing the find-
11 ings and recommendations of the review conducted pursu-
12 ant to this section.

13 **SEC. 895. INCLUSION OF THE PROVIDERS OF SERVICES**
14 **AND INFORMATION TECHNOLOGY IN THE NA-**
15 **TIONAL TECHNOLOGY AND INDUSTRIAL**
16 **BASE.**

17 (a) REVISED DEFINITIONS.—Section 2500 of title
18 10, United States Code, is amended—

19 (1) in paragraph (1), by striking “or mainte-
20 nance” and inserting “integration, services, or infor-
21 mation technology”;

22 (2) in paragraph (4), by striking “or produc-
23 tion” and inserting “production, integration, serv-
24 ices, or information technology”;

1 (3) in paragraph (9)(A), by striking “and man-
2 ufacturing” and inserting “manufacturing, integra-
3 tion, services, and information technology”; and

4 (4) by adding at the end the following new
5 paragraph:

6 “(15) The term ‘integration’ means the process
7 of providing systems engineering and technical direc-
8 tion for a system for the purpose of achieving capa-
9 bilities that satisfy program requirements.”.

10 (b) REVISED OBJECTIVES.—Section 2501(a) of such
11 title is amended—

12 (1) in paragraph (1), by striking “Supplying
13 and equipping” and inserting “Supplying, equipping,
14 and supporting”;

15 (2) in paragraph (2), by striking “and logistics
16 for” and inserting “logistics, and other activities in
17 support of”;

18 (3) in paragraph (4), by striking “and produce”
19 and inserting “, produce, and support”; and

20 (4) by redesignating paragraph (6) as para-
21 graph (8) and inserting after paragraph (5) the fol-
22 lowing new paragraphs:

23 “(6) Providing for the generation of services ca-
24 pabilities that are not core functions of the armed

1 forces and that are critical to military operations
2 within the national technology and industrial base.

3 “(7) Providing for the development, production,
4 and integration of information technology within the
5 national technology and industrial base.”.

6 (c) REVISED ASSESSMENTS.—Section 2505(b)(4) of
7 such title is amended by inserting after “of this title)”
8 the following “or major automated information system
9 programs (as defined in section 2445a of this title)”.

10 (d) REVISED POLICY GUIDANCE.—Section 2506(a)
11 of such title is amended by striking “budget allocation,
12 weapons” and inserting “strategy, management, budget
13 allocation,”.

14 **SEC. 896. DEPUTY ASSISTANT SECRETARY OF DEFENSE**
15 **FOR MANUFACTURING AND INDUSTRIAL**
16 **BASE POLICY; INDUSTRIAL BASE FUND.**

17 (a) DEPUTY ASSISTANT SECRETARY OF DEFENSE.—
18 Chapter 7 of title 10, United States Code, is amended by
19 inserting after section 139d the following new section:

20 **“§ 139e. Deputy Assistant Secretary of Defense for**
21 **Manufacturing and Industrial Base Pol-**
22 **icy**

23 “(a) APPOINTMENT.—There is a Deputy Assistant
24 Secretary of Defense for Manufacturing and Industrial
25 Base Policy, who shall be appointed by the Under Sec-

1 retary of Defense for Acquisition, Technology, and Logis-
2 ties and shall report to the Under Secretary.

3 “(b) RESPONSIBILITIES.—The Deputy Assistant Sec-
4 retary of Defense for Manufacturing and Industrial Base
5 Policy shall be the principal advisor to the Under Sec-
6 retary of Defense for Acquisition, Technology, and Logis-
7 ties in the performance of the Under Secretary’s duties
8 relating to the following:

9 “(1) Providing input on industrial base matters
10 to strategy reviews, including quadrennial defense
11 reviews conducted pursuant to section 118 of this
12 title.

13 “(2) Establishing policies of the Department of
14 Defense for maintenance of the defense industrial
15 base of the United States.

16 “(3) Providing recommendations to the Under
17 Secretary on budget matters pertaining to the indus-
18 trial base.

19 “(4) Providing recommendations to the Under
20 Secretary on supply chain management and supply
21 chain vulnerability.

22 “(5) Providing input on industrial base matters
23 to defense acquisition policy guidance.

1 “(6) Establishing the national security objec-
2 tives concerning the national technology and indus-
3 trial base required under section 2501 of this title.

4 “(7) Executing the national defense program
5 for analysis of the national technology and industrial
6 base required under section 2503 of this title.

7 “(8) Performing the national technology and in-
8 dustrial base periodic defense capability assessments
9 required under section 2505 of this title.

10 “(9) Establishing the technology and industrial
11 base policy guidance required under section 2506 of
12 this title.

13 “(10) Executing the authorities of the Manu-
14 facturing Technology Program under section 2521
15 of this title.

16 “(11) Carrying out the activities of the Depart-
17 ment of Defense relating to the Defense Production
18 Act Committee established under section 722 of the
19 Defense Production Act of 1950 (50 U.S.C. App.
20 2171).

21 “(12) Consistent with section 2(b) of the De-
22 fense Production Act of 1950 (50 U.S.C. App.
23 2062(b)), executing other applicable authorities pro-
24 vided under the Defense Production Act of 1950 (50

1 U.S.C. App. 2061 et seq.), including authorities
2 under titles I and II of such Act.

3 “(13) Establishing policies related to inter-
4 national technology security and export control
5 issues.

6 “(14) Establishing policies related to industrial
7 independent research and development programs
8 under section 2372 of this title.

9 “(15) Such other duties as are assigned by the
10 Under Secretary.

11 “(c) RULE OF CONSTRUCTION.—Nothing in sub-
12 section (b)(9) may be construed to limit the authority or
13 modify the policies of the Committee on Foreign Invest-
14 ment in the United States established under section
15 721(k) of the Defense Production Act of 1950 (50 U.S.C.
16 App. 2170(k)).”.

17 (b) INDUSTRIAL BASE FUND.—

18 (1) IN GENERAL.—Chapter 148 of title 10,
19 United States Code, is amended by adding at the
20 end the following new section:

21 **“§ 2508. Industrial Base Fund**

22 “(a) ESTABLISHMENT.—The Secretary of Defense
23 shall establish an Industrial Base Fund (in this section
24 referred to as the ‘Fund’).

1 “(b) CONTROL OF FUND.—The Fund shall be under
2 the control of the Under Secretary of Defense for Acquisi-
3 tion, Technology, and Logistics, acting through the Dep-
4 uty Assistant Secretary of Defense for Manufacturing and
5 Industrial Base Policy.

6 “(c) AMOUNTS IN FUND.—The Fund shall consist of
7 amounts appropriated or otherwise made available to the
8 Fund.

9 “(d) USE OF FUND.—Subject to subsection (e), the
10 Fund shall be used—

11 “(1) to support the monitoring and assessment
12 of the industrial base required by this chapter;

13 “(2) to address critical issues in the industrial
14 base relating to urgent operational needs;

15 “(3) to support efforts to expand the industrial
16 base; and

17 “(4) to address supply chain vulnerabilities.

18 “(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—
19 The authority of the Secretary of Defense to use the Fund
20 under this section in any fiscal year is subject to the avail-
21 ability of appropriations for that purpose.

22 “(f) EXPENDITURES.—The Secretary shall establish
23 procedures for expending monies in the Fund in support
24 of the uses identified in subsection (d), including the fol-
25 lowing:

1 “(1) Direct obligations from the Fund.

2 “(2) Transfers of monies from the Fund to rel-
3 evant appropriations of the Department of De-
4 fense.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such chapter is amended
7 by adding at the end the following new item:

“2508. Industrial Base Fund.”.

8 **TITLE IX—DEPARTMENT OF DE-**
9 **FENSE ORGANIZATION AND**
10 **MANAGEMENT**

Subtitle A—Department of Defense Management

Sec. 901. Reorganization of Office of the Secretary of Defense to carry out re-
duction required by law in number of Deputy Under Secre-
taries 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 Sat-
ellite 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 co-
ordination 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.

1 **Subtitle A—Department of Defense**
 2 **Management**

3 **SEC. 901. REORGANIZATION OF OFFICE OF THE SEC-**
 4 **RETARY OF DEFENSE TO CARRY OUT REDUC-**
 5 **TION REQUIRED BY LAW IN NUMBER OF DEP-**
 6 **UTY UNDER SECRETARIES OF DEFENSE.**

7 (a) REDESIGNATION OF CERTAIN POSITIONS IN OF-
 8 FICE OF SECRETARY OF DEFENSE.—

9 (1) REDESIGNATION.—Positions in the Office
 10 of the Secretary of Defense are hereby redesignated
 11 as follows:

12 (A) The Director of Defense Research and
 13 Engineering is redesignated as the Assistant

1 Secretary of Defense for Research and Engi-
2 neering.

3 (B) The Director of Operational Energy
4 Plans and Programs is redesignated as the As-
5 sistant Secretary of Defense for Operational
6 Energy Plans and Programs.

7 (C) The Assistant to the Secretary of De-
8 fense for Nuclear and Chemical and Biological
9 Defense Programs is redesignated as the As-
10 sistant Secretary of Defense for Nuclear, Chem-
11 ical, and Biological Defense Programs.

12 (2) REFERENCES.—Any reference in any law,
13 rule, regulation, paper, or other record of the United
14 States to an office of the Department of Defense re-
15 designated by paragraph (1) shall be deemed to be
16 a reference to such office as so redesignated.

17 (b) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RE-
18 LATING TO REORGANIZATION.—

19 (1) REPEAL OF SEPARATE PRINCIPAL DEPUTY
20 UNDER SECRETARY OF DEFENSE PROVISIONS.—Sec-
21 tions 133a, 134a, and 136a of title 10, United
22 States Code, are repealed.

23 (2) COMPONENTS OF OSD.—Subsection (b) of
24 section 131 of such title is amended to read as fol-
25 lows:

1 “(b) The Office of the Secretary of Defense is com-
2 posed of the following:

3 “(1) The Deputy Secretary of Defense.

4 “(2) The Under Secretaries of Defense, as fol-
5 lows:

6 “(A) The Under Secretary of Defense for
7 Acquisition, Technology, and Logistics.

8 “(B) The Under Secretary of Defense for
9 Policy.

10 “(C) The Under Secretary of Defense
11 (Comptroller).

12 “(D) The Under Secretary of Defense for
13 Personnel and Readiness.

14 “(E) The Under Secretary of Defense for
15 Intelligence.

16 “(3) The Deputy Chief Management Officer of
17 the Department of Defense.

18 “(4) Other officers who are appointed by the
19 President, by and with the advice and consent of the
20 Senate, and who report directly to the Secretary and
21 Deputy Secretary without intervening authority, as
22 follows:

23 “(A) The Director of Cost Assessment and
24 Program Evaluation.

1 “(B) The Director of Operational Test and
2 Evaluation.

3 “(C) The General Counsel of the Depart-
4 ment of Defense.

5 “(D) The Inspector General of the Depart-
6 ment of Defense.

7 “(5) The Principal Deputy Under Secretaries of
8 Defense.

9 “(6) The Assistant Secretaries of Defense.

10 “(7) Other officials provided for by law, as fol-
11 lows:

12 “(A) The Deputy Assistant Secretary of
13 Defense for Developmental Test and Evaluation
14 appointed pursuant to section 139b(a) of this
15 title.

16 “(B) The Deputy Assistant Secretary of
17 Defense for Systems Engineering appointed
18 pursuant to section 139b(b) of this title.

19 “(C) The Deputy Assistant Secretary of
20 Defense for Manufacturing and Industrial Base
21 Policy appointed pursuant to section 139c of
22 this title.

23 “(D) The Director of Small Business Pro-
24 grams appointed pursuant to section 144 of
25 this title.

1 “(E) The official designated under section
2 1501(a) of this title to have responsibility for
3 Department of Defense matters relating to
4 missing persons as set forth in section 1501 of
5 this title.

6 “(F) The Director of Family Policy under
7 section 1781 of this title.

8 “(G) The Director of the Office of Corro-
9 sion Policy and Oversight assigned pursuant to
10 section 2228(a) of this title.

11 “(H) The official designated under section
12 2438(a) of this title to have responsibility for
13 conducting and overseeing performance assess-
14 ments and root cause analyses for major de-
15 fense acquisition programs.

16 “(8) Such other offices and officials as may be
17 established by law or the Secretary of Defense may
18 establish or designate in the Office.”.

19 (3) PRINCIPAL DEPUTY UNDER SECRETARIES
20 OF DEFENSE.—Section 137a of such title is amend-
21 ed—

22 (A) in subsections (a)(1), (b), and (d), by
23 striking “Deputy Under” and inserting “Prin-
24 cipal Deputy Under”;

1 (B) in subsection (a)(2), by striking “(A)
2 The” and all that follows through “(5) of sub-
3 section (c)” and inserting “The Principal Dep-
4 uty Under Secretaries of Defense”;

5 (C) in subsection (c)—

6 (i) in paragraphs (1), (2), (3), (4),
7 and (5), by striking “One of the Deputy”
8 and inserting “One of the Principal Dep-
9 uty”;

10 (ii) in paragraphs (1), (2), and (3), by
11 striking “appointed” and all that follows
12 through “this title”;

13 (iii) in paragraphs (4) and (5), by
14 striking “shall be” and inserting “is”; and

15 (iv) in paragraph (5), by inserting be-
16 fore the period at the end the following: “,
17 who shall be appointed from among per-
18 sons who have extensive expertise in intel-
19 ligence matters”; and

20 (D) in subsection (d), by adding at the end
21 the following new sentence: “The Principal
22 Deputy Under Secretaries shall take precedence
23 among themselves in the order prescribed by
24 the Secretary of Defense.”.

1 (4) ASSISTANT SECRETARIES OF DEFENSE GEN-
2 ERALLY.—Section 138 of such title is amended—

3 (A) in subsection (a)—

4 (i) in paragraph (1), by striking “12”
5 and inserting “16”; and

6 (ii) in paragraph (2), by striking “(A)
7 The” and all that follows through “The
8 other” and inserting “The”;

9 (B) in subsection (b)—

10 (i) in paragraphs (2), (3), (4), (5),
11 and (6), by striking “shall be” and insert-
12 ing “is”;

13 (ii) in paragraph (7), by striking “ap-
14 pointed pursuant to section 138a of this
15 title”; and

16 (iii) by adding at the end the fol-
17 lowing new paragraphs:

18 “(8) One of the Assistant Secretaries is the As-
19 sistant Secretary of Defense for Research and Engi-
20 neering. In addition to any duties and powers pre-
21 scribed under paragraph (1), the Assistant Secretary
22 of Defense for Research and Engineering shall have
23 the duties specified in section 138b of this title.

24 “(9) One of the Assistant Secretaries is the As-
25 sistant Secretary of Defense for Operational Energy

1 Plans and Programs. In addition to any duties and
2 powers prescribed under paragraph (1), the Assist-
3 ant Secretary of Defense for Operational Energy
4 Plans and Programs shall have the duties specified
5 in section 138c of this title.

6 “(10) One of the Assistant Secretaries is the
7 Assistant Secretary of Defense for Nuclear, Chem-
8 ical, and Biological Defense Programs. In addition
9 to any duties and powers prescribed under para-
10 graph (1), the Assistant Secretary of Defense for
11 Nuclear, Chemical, and Biological Defense Programs
12 shall have the duties specified in section 138d of this
13 title.”; and

14 (C) in subsection (d), by striking “and the
15 Director of Defense Research and Engineering”
16 and inserting “the Deputy Chief Management
17 Officer of the Department of Defense, the offi-
18 cials serving in positions specified in section
19 131(b)(4) of this title, and the Principal Dep-
20 uty Under Secretaries of Defense”.

21 (5) ASSISTANT SECRETARY FOR LOGISTICS AND
22 MATERIEL READINESS.—Section 138a(a) of such
23 title is amended—

24 (A) by striking “There is a” and inserting
25 “The”; and

1 (B) by striking “, appointed from civilian
2 life by the President, by and with the advice
3 and consent of the Senate. The Assistant Sec-
4 retary”.

5 (6) ASSISTANT SECRETARY FOR RESEARCH AND
6 ENGINEERING.—Section 139a of such title is trans-
7 ferred so as to appear after section 138a, redesignig-
8 nated as section 138b, and amended—

9 (A) by striking subsection (a);

10 (B) by redesignating subsections (b) and
11 (c) as subsections (a) and (b), respectively;

12 (C) in subsection (a), as so redesignated,
13 by striking “Director of Defense Research and
14 Engineering” and inserting “Assistant Sec-
15 retary of Defense for Research and Engineer-
16 ing”; and

17 (D) in subsection (b), as so redesignated—

18 (i) in paragraph (1), by striking “Di-
19 rector of Defense Research and Engineer-
20 ing,” and inserting “Assistant Secretary of
21 Defense for Research and Engineering,”;
22 and

23 (ii) in paragraph (2), by striking “Di-
24 rector” and inserting “Assistant Sec-
25 retary”.

1 (7) ASSISTANT SECRETARY FOR OPERATIONAL
2 ENERGY PLANS AND PROGRAMS.—Section 139b of
3 such title is transferred so as to appear after section
4 138b (as transferred and redesignated by paragraph
5 (6)), redesignated as section 138c, and amended—

6 (A) in subsection (a), by striking “There is
7 a” and all that follows through “The Director”
8 and inserting “The Assistant Secretary of De-
9 fense for Operational Energy Plans and Pro-
10 grams”;

11 (B) by striking “Director” each place it
12 appears and inserting “Assistant Secretary”;

13 (C) in subsection (d)(2)—

14 (i) by striking “Not later than” and
15 all that follows through “military depart-
16 ments” and inserting “The Secretary of
17 each military department”;

18 (ii) by striking “who will” and insert-
19 ing “who shall”; and

20 (iii) by inserting “so designated” after
21 “The officials”; and

22 (D) in subsection (d)(4), by striking “The
23 initial” and all that follows through “updates to
24 the strategy” and inserting “Updates to the
25 strategy required by paragraph (1)”.

1 (8) ASSISTANT SECRETARY FOR NUCLEAR,
2 CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—
3 Section 142 of such title is transferred so as to ap-
4 pear after section 138c (as redesignated and trans-
5 ferred by paragraph (7)), redesignated as section
6 138d, and amended—

7 (A) by striking subsection (a);

8 (B) by redesignating subsection (b) as sub-
9 section (a) and in that subsection, as so redesi-
10 gnated, by striking “The Assistant to the Sec-
11 retary” and inserting “The Assistant Secretary
12 of Defense for Nuclear, Chemical, and Biologi-
13 cal Defense Programs”; and

14 (C) by striking subsection (c) and inserting
15 the following new subsection (b):

16 “(b) The Assistant Secretary may communicate views
17 on issues within the responsibility of the Assistant Sec-
18 retary directly to the Secretary of Defense and the Deputy
19 Secretary of Defense without obtaining the approval or
20 concurrence of any other official within the Department
21 of Defense.”.

22 (c) DEPUTY CHIEF MANAGEMENT OFFICER.—

23 (1) IN GENERAL.—Chapter 4 of title 10, United
24 States Code, is further amended by inserting after
25 section 132 the following new section:

1 **“§ 132a. Deputy Chief Management Officer**

2 “(a) APPOINTMENT.—There is a Deputy Chief Man-
3 agement Officer of the Department of Defense, appointed
4 from civilian life by the President, by and with the advice
5 and consent of the Senate.

6 “(b) RESPONSIBILITIES.—The Deputy Chief Man-
7 agement Officer assists the Deputy Secretary of Defense
8 in the Deputy Secretary’s capacity as Chief Management
9 Officer of the Department of Defense under section 132(c)
10 of this title.

11 “(c) PRECEDENCE.—The Deputy Chief Management
12 Officer takes precedence in the Department of Defense
13 after the Secretary of Defense, the Deputy Secretary of
14 Defense, the Secretaries of the military departments, and
15 the Under Secretaries of Defense.”.

16 (2) CONFORMING AMENDMENT.—Section
17 132(c) of such title is amended by striking the sec-
18 ond sentence.

19 (d) SENIOR OFFICIAL RESPONSIBLE FOR PERFORM-
20 ANCE ASSESSMENTS AND ROOT CAUSE ANALYSES OF
21 MDAPs.—Section 103 of the Weapon Systems Acquisi-
22 tion Reform Act of 2009 (Public Law 111–23; 123 Stat.
23 1715; 10 U.S.C. 2430 note) is transferred to chapter 144
24 of title 10, United States Code, inserted so as to appear
25 after section 2437, redesignated as section 2438, and
26 amended—

1 (1) in subsection (b)(2), by striking “section
2 2433a(a)(1) of title 10, United States Code (as
3 added by section 206(a) of this Act)” and inserting
4 “section 2433a(a)(1) of this title”;

5 (2) in subsection (b)(5)—

6 (A) by striking “section 2433a of title 10,
7 United States Code (as so added)” and insert-
8 ing “section 2433a of this title”; and

9 (B) by striking “prior to” both places it
10 appears and inserting “before”;

11 (3) in subsection (d), by striking “section
12 2433a of title 10, United States Code (as so added)”
13 and inserting “section 2433a of this title”; and

14 (4) in subsection (f), by striking “beginning in
15 2010,”.

16 (e) REDESIGNATION OF DDTE AS DEPUTY ASSIST-
17 ANT SECRETARY FOR DEVELOPMENTAL TEST AND EVAL-
18 UATION AND DSE AS DEPUTY ASSISTANT SECRETARY OF
19 DEFENSE FOR SYSTEMS ENGINEERING.—Section 139d of
20 title 10, United States Code, is amended—

21 (1) by striking “Director of Developmental Test
22 and Evaluation” each place it appears and inserting
23 “Deputy Assistant Secretary of Defense for Develop-
24 mental Test and Evaluation”;

1 (2) by striking “Director of Systems Engineer-
2 ing” each place it appears and inserting “Deputy
3 Assistant Secretary of Defense for Systems Engi-
4 neering”;

5 (3) in subsection (a)—

6 (A) by striking the subsection heading and
7 inserting “DEPUTY ASSISTANT SECRETARY OF
8 DEFENSE FOR DEVELOPMENTAL TEST AND
9 EVALUATION.—”;

10 (B) by striking “Director” each place it
11 appears in paragraphs (2), (3), and (6) and in-
12 serting “Deputy Assistant Secretary”;

13 (C) in paragraph (4), by striking the para-
14 graph heading and inserting “COORDINATION
15 WITH DEPUTY ASSISTANT SECRETARY OF DE-
16 FENSE FOR SYSTEMS ENGINEERING.—”;

17 (D) in paragraph (5), by striking “Direc-
18 tor” in the matter preceding subparagraph (A)
19 and inserting “Deputy Assistant Secretary”;
20 and

21 (E) in paragraph (6), by striking “Direc-
22 tor’s” and inserting “Deputy Assistant Sec-
23 retary’s”; and

24 (4) in subsection (b)—

1 (A) by striking the subsection heading and
2 inserting “DEPUTY ASSISTANT SECRETARY OF
3 DEFENSE FOR SYSTEMS ENGINEERING.—”;

4 (B) by striking “Director” each place it
5 appears in paragraphs (2), (3), (5), and (6) and
6 inserting “Deputy Assistant Secretary”;

7 (C) in paragraph (4), by striking the para-
8 graph heading and inserting “COORDINATION
9 WITH DEPUTY ASSISTANT SECRETARY OF DE-
10 FENSE FOR DEVELOPMENTAL TEST AND EVAL-
11 UATION.—”; and

12 (D) in paragraph (6), by striking “Direc-
13 tor’s” and inserting “Deputy Assistant Sec-
14 retary’s”.

15 (f) REORGANIZATION OF CERTAIN PROVISIONS
16 WITHIN CHAPTER 4 TO ACCOUNT FOR OTHER TRANS-
17 FERS OF PROVISIONS.—Chapter 4 of title 10, United
18 States Code, is further amended by redesignating sections
19 139c, 139d (as amended by subsection (e)), and 139e (as
20 added by section 896 of this Act) as sections 139a, 139b,
21 and 139c, respectively.

22 (g) REPEAL OF STATUTORY REQUIREMENT FOR OF-
23 FICE FOR MISSING PERSONNEL IN OSD.—Section
24 1501(a) of title 10, United States Code, is amended—

1 (1) by striking the subsection heading and in-
2 serting the following: “RESPONSIBILITY FOR MISS-
3 ING PERSONNEL.—”;

4 (2) in paragraph (1)—

5 (A) by striking “establish within the Office
6 of the Secretary of Defense an office to have re-
7 sponsibility for Department of Defense policy”
8 in the first sentence and inserting “designate
9 within the Office of the Secretary of Defense an
10 official as the Deputy Assistant Secretary of
11 Defense for Prisoner of War/Missing Personnel
12 Affairs to have responsibility for Department of
13 Defense matters”;

14 (B) by striking the second sentence;

15 (C) by striking “of the office” and insert-
16 ing “of the official designated under this para-
17 graph”;

18 (D) by striking “and” at the end of sub-
19 paragraph (A);

20 (E) by redesignating subparagraph (B) as
21 subparagraph (C); and

22 (F) by inserting after subparagraph (A)
23 the following new subparagraph (B):

24 “(B) policy, control, and oversight of the pro-
25 gram established under section 1509 of this title, as

1 well as the accounting for missing persons (including
2 locating, recovering, and identifying missing persons
3 or their remains after hostilities have ceased); and”;

4 (3) by redesignating paragraphs (2), (3), (4),
5 and (5) as paragraphs (3), (4), (5), and (6), respec-
6 tively;

7 (4) by inserting after paragraph (1) the fol-
8 lowing new paragraph (2):

9 “(2) The official designated under paragraph
10 (1) shall also serve as the Director, Defense Pris-
11 oner of War/Missing Personnel Office, as established
12 under paragraph (6)(A), exercising authority, direc-
13 tion, and control over that activity.”.

14 (5) in paragraph (3), as so redesignated—

15 (A) by striking “of the office” the first
16 place it appears; and

17 (B) by striking “head of the office” and
18 inserting “official designated under paragraph
19 (1) and (2)”;

20 (6) in paragraph (4), as so redesignated—

21 (A) by striking “office” and inserting “des-
22 ignated official”; and

23 (B) by inserting after “evasion)” the fol-
24 lowing: “and for personnel accounting (includ-
25 ing locating, recovering, and identifying missing

1 persons or their remains after hostilities have
2 ceased)”;

3 (7) in paragraph (5), as so redesignated, by
4 striking “office” and inserting “designated official”;
5 and

6 (8) in paragraph (6), as so redesignated—

7 (A) in subparagraph (A)—

8 (i) by inserting after “(A)” the fol-
9 lowing: “The Secretary of Defense shall es-
10 tablish an activity to account for personnel
11 who are missing or whose remains have
12 not been recovered from the conflict in
13 which they were lost. This activity shall be
14 known as the Defense Prisoner of War/
15 Missing Personnel Office.”; and

16 (ii) by striking “office” both places it
17 appears and inserting “activity”;

18 (B) in subparagraph (B)(i), by striking “to
19 the office” and inserting “activity”;

20 (C) in subparagraph (B)(ii)—

21 (i) by striking “to the office” and in-
22 sserting “activity”; and

23 (ii) by striking “of the office” and in-
24 sserting “of the activity”; and

1 (D) in subparagraph (C), by striking “of-
2 fice” and inserting “activity”.

3 (h) CLARIFICATION OF HEAD OF OFFICE FOR FAM-
4 ILY POLICY.—Section 1781 of title 10, United States
5 Code, is amended—

6 (1) in subsection (a), by striking the second
7 sentence and inserting the following new sentence:
8 “The office shall be headed by the Director of Fam-
9 ily Policy, who shall serve within the office of the
10 Under Secretary of Defense for Personnel and Read-
11 iness.”; and

12 (2) by striking “the Office” each place it ap-
13 pears and inserting “the Director”.

14 (i) MODIFICATION OF STATUTORY LIMITATION ON
15 NUMBER OF DEPUTY UNDER SECRETARIES OF DE-
16 FENSE.—

17 (1) DELAY IN LIMITATION ON NUMBER OF
18 DUSDS.—Section 906(a)(2) of the National Defense
19 Authorization Act for Fiscal Year 2010 (Public Law
20 111–84; 123 Stat. 2426; 10 U.S.C. 137a note) is
21 amended by striking “January 1, 2011” and insert-
22 ing “January 1, 2015”.

23 (2) TEMPORARY AUTHORITY FOR ADDITIONAL
24 DUSDS.—During the period beginning on the date of
25 the enactment of this Act and ending on January 1,

1 2015, the Secretary of Defense may, in the Sec-
2 retary's discretion, appoint not more than five Dep-
3 uty Under Secretaries of Defense in addition to the
4 five Principal Deputy Under Secretaries of Defense
5 authorized by section 137a of title 10, United States
6 Code (as amended by subsection (b)(3)).

7 (3) REPORT ON PLAN FOR REORGANIZATION OF
8 OSD.—

9 (A) REPORT REQUIRED.—Not later than
10 September 15, 2013, the Secretary of Defense
11 shall submit to the Committees on Armed Serv-
12 ices of the Senate and the House of Represent-
13 atives a report setting forth a plan for the re-
14 alignment of the organizational structure of the
15 Office of the Secretary of Defense to comply
16 with the requirement of section 906(a)(2) of the
17 National Defense Authorization Act for Fiscal
18 Year 2010, as amended by paragraph (1).

19 (B) ELEMENTS.—In preparing the report
20 required by subparagraph (A), the Secretary
21 shall consider, at a minimum, the feasibility of
22 taking the following actions on or before Janu-
23 ary 1, 2015:

24 (i) A merger of the position of Deputy
25 Under Secretary of Defense (Installations

1 and Environment) and the position of As-
2 sistant Secretary of Defense for Oper-
3 ational Energy Plans and Programs (as es-
4 tablished in accordance with the amend-
5 ments made by subsection (b)(7)) into a
6 single Assistant Secretary position.

7 (ii) A realignment of positions within
8 the Office of the Under Secretary of De-
9 fense for Policy to eliminate the position of
10 Deputy Under Secretary of Defense (Strat-
11 egy, Plans, and Forces).

12 (j) OTHER CONFORMING AMENDMENTS TO TITLE

13 10.—

14 (1) Section 179(e) of title 10, United States
15 Code, is amended—

16 (A) in paragraphs (2) and (3), by striking
17 “Assistant to the Secretary of Defense for Nu-
18 clear and Chemical and Biological Defense Pro-
19 grams” and inserting “Assistant Secretary of
20 Defense for Nuclear, Chemical, and Biological
21 Defense Programs”; and

22 (B) in paragraph (3), by striking “that As-
23 sistant to the Secretary” and inserting “Assist-
24 ant Secretary”.

1 (2) Section 2272 of such title is amended by
2 striking “Director of Defense Research and Engi-
3 neering” each place it appears and inserting “Assist-
4 ant Secretary of Defense for Research and Engi-
5 neering”.

6 (3) Section 2365 of such title is amended—

7 (A) in subsection (a), by striking “Director
8 of Defense Research and Engineering” and in-
9 serting “Assistant Secretary”;

10 (B) in subsection (d)(1), by striking “Di-
11 rector” and inserting “Assistant Secretary”;

12 (C) in subsection (d)(2)—

13 (i) by striking “Director of Defense
14 Research and Engineering” and inserting
15 “Assistant Secretary of Defense for Re-
16 search and Engineering”; and

17 (ii) by striking “Director may” and
18 inserting “Assistant Secretary may”; and

19 (D) in subsection (e), by striking “Direc-
20 tor” and inserting “Assistant Secretary”.

21 (4) Sections 2350a(g)(3), 2366b(a)(3)(D),
22 2374a(a), and 2517(a) of such title are amended by
23 striking “Director of Defense Research and Engi-
24 neering” and inserting “Assistant Secretary of De-
25 fense for Research and Engineering”.

1 (5) Section 2902(b) of such title is amended—

2 (A) in paragraph (1), by striking “Deputy
3 Under Secretary of Defense for Science and
4 Technology” and inserting “official within the
5 Office of the Assistant Secretary of Defense for
6 Research and Engineering who is responsible
7 for science and technology”; and

8 (B) in paragraph (3), by striking “Deputy
9 Under Secretary of Defense” and inserting “of-
10 ficial within the Office of the Under Secretary
11 of Defense for Acquisition, Technology, and Lo-
12 gistics who is”.

13 (k) SECTION HEADING AND CLERICAL AMEND-
14 MENTS.—

15 (1) SECTION HEADING AMENDMENTS.—

16 (A) The heading of section 137a of title
17 10, United States Code, is amended to read as
18 follows:

19 “§ 137a. **Principal Deputy Under Secretaries of De-**
20 **fense”.**

21 (B) The heading of section 138b of such
22 title, as transferred and redesignated by sub-
23 section (b)(6), is amended to read as follows:

1 **“§ 138b. Assistant Secretary of Defense for Research**
2 **and Engineering”.**

3 (C) The heading of section 138c of such
4 title, as transferred and redesignated by sub-
5 section (b)(7), is amended to read as follows:

6 **“§ 138c. Assistant Secretary of Defense for Oper-**
7 **ational Energy Plans and Programs”.**

8 (D) The heading of section 138d of such
9 title, as transferred and redesignated by sub-
10 section (b)(8), is amended to read as follows:

11 **“§ 138d. Assistant Secretary of Defense for Nuclear,**
12 **Chemical, and Biological Defense Pro-**
13 **grams”.**

14 (E) The section heading of section 139b of
15 such title, as redesignated by subsection (f), is
16 amended to read as follows:

17 **“§ 139b. Deputy Assistant Secretary of Defense for**
18 **Developmental Test and Evaluation; Dep-**
19 **uty Assistant Secretary of Defense for**
20 **Systems Engineering: joint guidance”.**

21 (F) The heading of section 2438 of such
22 title, as transferred and redesignated by sub-
23 section (d), is amended to read as follows:

24 **“§ 2438. Performance assessments and root cause**
25 **analyses”.**

26 (2) CLERICAL AMENDMENTS.—

1 (A) The table of sections at the beginning
2 of chapter 4 of such title is amended—

3 (i) by inserting after the item relating
4 to section 132 the following new item:

“132a. Deputy Chief Management Officer.”;

5 (ii) by striking the items relating to
6 sections 133a, 134a, and 136a;

7 (iii) by striking the item relating to
8 section 137a and inserting the following
9 new item:

“137a. Principal Deputy Under Secretaries of Defense.”;

10 (iv) by inserting after the item relat-
11 ing to section 138a the following new
12 items:

“138b. Assistant Secretary of Defense for Research and Engineering.

“138c. Assistant Secretary of Defense for Operational Energy Plans and Pro-
grams.

“138d. Assistant Secretary of Defense for Nuclear, Chemical, and Biological De-
fense Programs.”;

13 (v) by striking the items relating to
14 sections 139a, 139b, 139c, and 139d and
15 inserting the following new items:

“139a. Director of Cost Assessment and Program Evaluation.

“139b. Deputy Assistant Secretary of Defense for Developmental Test and Eval-
uation; Deputy Assistant Secretary of Defense for Systems En-
gineering: joint guidance.

“139c. Deputy Assistant Secretary of Defense for Manufacturing and Industrial
Base Policy.”; and

16 (vi) by striking the item relating to
17 section 142.

1 (B) The table of sections at the beginning
2 of chapter 144 of such title is amended by in-
3 serting after the item relating to section 2437
4 the following new item:

“2438. Performance assessments and root cause analyses.”.

5 (l) OTHER CONFORMING AMENDMENTS.—

6 (1) PUBLIC LAW 111–23.—Section 102(b) of the
7 Weapon Systems Acquisition Reform Act of 2009
8 (Public Law 111–23; 123 Stat. 1714; 10 U.S.C.
9 2430 note) is amended—

10 (A) by striking “Director of Developmental
11 Test and Evaluation and the Director of Sys-
12 tems Engineering” each place it appears and
13 inserting “Deputy Assistant Secretary of De-
14 fense for Developmental Test and Evaluation
15 and the Deputy Assistant Secretary of Defense
16 for Systems Engineering”; and

17 (B) in paragraph (3)—

18 (i) by striking the paragraph heading
19 and inserting “ASSESSMENT OF REPORTS
20 BY DEPUTY ASSISTANT SECRETARY OF DE-
21 FENSE FOR DEVELOPMENTAL TEST AND
22 EVALUATION AND DEPUTY ASSISTANT SEC-
23 RETARY OF DEFENSE FOR SYSTEMS ENGI-
24 NEERING.—”; and

1 (ii) by striking “Directors” and in-
2 serting “Deputy Assistant Secretaries of
3 Defense”.

4 (2) PUBLIC LAW 110–181.—Section 214 of the
5 National Defense Authorization Act of Fiscal Year
6 2008 (10 U.S.C. 2521 note) is amended by striking
7 “Director of Defense Research and Engineering”
8 and inserting “Assistant Secretary of Defense for
9 Research and Engineering”.

10 (m) TECHNICAL AMENDMENTS.—

11 (1) Section 131(a) of title 10, United States
12 Code, is amended by striking “his” and inserting
13 “the Secretary’s”.

14 (2) Section 132 of such title is amended by re-
15 designating subsection (d), as added by section
16 2831(a) of the Military Construction Authorization
17 Act for Fiscal Year 2010 (division B of Public Law
18 111–84; 123 Stat. 2669), as subsection (e).

19 (3) Section 135(c) of such title is amended by
20 striking “clauses” and inserting “paragraphs”.

21 (n) EXECUTIVE SCHEDULE AMENDMENTS.—

22 (1) NUMBER OF ASSISTANT SECRETARY OF DE-
23 FENSE POSITIONS.—Section 5315 of title 5, United
24 States Code, is amended by striking the item relat-

1 ing to Assistant Secretaries of Defense and inserting
2 the following new item:

3 “Assistant Secretaries of Defense (16).”.

4 (2) POSITIONS REDESIGNATED AS ASD POSI-
5 TIONS.—

6 (A) Section 5315 of such title is further
7 amended by striking the item relating to Direc-
8 tor of Defense Research and Engineering.

9 (B) Section 5316 of such title is amended
10 by striking the item relating to Assistant to the
11 Secretary of Defense for Nuclear and Chemical
12 and Biological Defense Programs.

13 (3) AMENDMENTS TO STRIKE REFERENCES TO
14 POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section
15 5316 of such title is further amended—

16 (A) by striking the item relating to Direc-
17 tor, Defense Advanced Research Projects Agen-
18 cy, Department of Defense;

19 (B) by striking the item relating to Deputy
20 General Counsel, Department of Defense;

21 (C) by striking the item relating to Deputy
22 Under Secretaries of Defense for Research and
23 Engineering, Department of Defense; and

24 (D) by striking the item relating to Special
25 Assistant to the Secretary of Defense.

1 (o) INAPPLICABILITY OF APPOINTMENT REQUIRE-
2 MENT TO CERTAIN INDIVIDUALS SERVING ON EFFECTIVE
3 DATE.—

4 (1) IN GENERAL.—Notwithstanding this section
5 and the amendments made by this section, the indi-
6 vidual serving as specified in paragraph (2) on De-
7 cember 31, 2010, may continue to serve in the appli-
8 cable position specified in that paragraph after that
9 date without the requirement for appointment by the
10 President, by and with the advice and consent of the
11 Senate.

12 (2) COVERED INDIVIDUALS AND POSITIONS.—
13 The individuals and positions specified in this para-
14 graph are the following:

15 (A) In the case of the individual serving as
16 Director of Defense Research and Engineering,
17 the position of Assistant Secretary of Defense
18 for Research and Engineering.

19 (B) In the case of the individual serving as
20 Director of Operational Energy Plans and Pro-
21 grams, the position of Assistant Secretary of
22 Defense for Operational Energy Plans and Pro-
23 grams.

24 (C) In the case of the individual serving as
25 Assistant to the Secretary of Defense for Nu-

1 clear and Chemical and Biological Defense Pro-
2 grams, the position of Assistant Secretary of
3 Defense for Nuclear, Chemical, and Biological
4 Defense Programs.

5 (p) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), this section and the amendments made by
8 this section shall take effect on January 1, 2011.

9 (2) CERTAIN MATTERS.—Subsection (i) and the
10 amendments made by that subsection, and sub-
11 section (o), shall take effect on the date of the en-
12 actment of this Act.

13 **Subtitle B—Space Activities**

14 **SEC. 911. INTEGRATED SPACE ARCHITECTURES.**

15 The Secretary of Defense and the Director of Na-
16 tional Intelligence shall develop an integrated process for
17 national security space architecture planning, develop-
18 ment, coordination, and analysis that—

19 (1) encompasses defense and intelligence space
20 plans, programs, budgets, and organizations;

21 (2) provides mid-term to long-term rec-
22 ommendations to guide space-related defense and in-
23 telligence acquisitions, requirements, and investment
24 decisions;

1 (3) is independent of, but coordinated with, the
2 space architecture planning, development, coordina-
3 tion, and analysis activities of each military depart-
4 ment and each element of the intelligence commu-
5 nity (as defined in section 3(4) of the National Secu-
6 rity Act of 1947 (50 U.S.C. 401a(4))); and

7 (4) makes use of, to the maximum extent prac-
8 ticable, joint duty assignment (as defined in section
9 668 of title 10, United States Code) positions.

10 **SEC. 912. LIMITATION ON USE OF FUNDS FOR COSTS OF**
11 **TERMINATING CONTRACTS UNDER THE NA-**
12 **TIONAL POLAR-ORBITING OPERATIONAL EN-**
13 **VIRONMENTAL SATELLITE SYSTEM PRO-**
14 **GRAM.**

15 None of the funds authorized to be appropriated or
16 otherwise made available by this Act to the Secretary of
17 Defense for the National Polar-Orbiting Operational Envi-
18 ronmental Satellite System Program may be obligated or
19 expended for the costs of terminating a contract awarded
20 under the Program unless the Secretary of Defense and
21 the Secretary of Commerce enter into an agreement under
22 which the Secretary of Defense and the Secretary of Com-
23 merce will each be responsible for half the costs of termi-
24 nating the contract.

1 **SEC. 913. LIMITATION ON USE OF FUNDS FOR PURCHASING**
2 **GLOBAL POSITIONING SYSTEM USER EQUIP-**
3 **MENT.**

4 (a) **IN GENERAL.**—Except as provided in subsections
5 (b) and (c), none of the funds authorized to be appro-
6 priated or otherwise made available by this Act or any
7 other Act for the Department of Defense may be obligated
8 or expended to purchase user equipment for the Global
9 Positioning System during fiscal years after fiscal year
10 2017 unless the equipment is capable of receiving the mili-
11 tary code (commonly known as the “M code”) from the
12 Global Positioning System.

13 (b) **EXCEPTION.**—The limitation under subsection
14 (a) shall not apply with respect to the purchase of pas-
15 senger vehicles or commercial vehicles in which Global Po-
16 sitioning System equipment is installed.

17 (c) **WAIVER.**—The Secretary of Defense may waive
18 the limitation under subsection (a) if the Secretary deter-
19 mines that—

20 (1) suitable user equipment capable of receiving
21 the military code from the Global Positioning Sys-
22 tem is not available; or

23 (2) with respect to a purchase of user equip-
24 ment, the Department of Defense does not require
25 that user equipment to be capable of receiving the
26 military code from the Global Positioning System.

1 **SEC. 914. PLAN FOR INTEGRATION OF SPACE-BASED NU-**
2 **CLEAR DETECTION SENSORS.**

3 (a) IN GENERAL.—The Secretary of Defense shall,
4 in consultation with the Director of National Intelligence
5 and the Administrator for Nuclear Security, submit to the
6 congressional defense committees a plan to integrate
7 space-based nuclear detection sensors in a geosynchronous
8 orbit on the Space-Based Infrared System or other sat-
9 ellite platforms.

10 (b) LIMITATION ON USE OF FUNDS FOR THE SPACE-
11 BASED INFRARED SYSTEM.—

12 (1) IN GENERAL.—Not more than 90 percent of
13 the amounts specified in paragraph (2) may be obli-
14 gated or expended before the date on which the Sec-
15 retary of Defense submits to the congressional de-
16 fense committees the plan required by subsection
17 (a).

18 (2) AMOUNTS SPECIFIED.—The amounts speci-
19 fied in this paragraph are the following:

20 (A) The amount authorized to be appro-
21 priated by section 103 for procurement for the
22 Air Force for missiles for the Space-Based In-
23 frared System.

24 (B) The amount authorized to be appro-
25 priated by section 201 for research, develop-

1 ment, test, and evaluation for the Air Force for
2 the Space-Based Infrared System.

3 **SEC. 915. PRESERVATION OF THE SOLID ROCKET MOTOR**
4 **INDUSTRIAL BASE.**

5 (a) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary of Defense
7 shall, in consultation with the Administrator of the Na-
8 tional Aeronautics and Space Administration, submit to
9 the appropriate committees of Congress a report on the
10 impact of the cancellation of the Constellation program
11 of the National Aeronautics and Space Administration on
12 any anticipated next generation mission requirements for
13 missile defense interceptors, tactical and strategic mis-
14 siles, targets, and satellite and human spaceflight launch
15 vehicles.

16 (b) ELEMENTS.—The report required under sub-
17 section (a) shall include the following:

18 (1) A description and assessment of the effects
19 on Department of Defense programs that utilize
20 solid rocket motors of the cancellation of the Ares I,
21 the Ares V, or their solid rocket alternatives or de-
22 rivatives, and all supporting elements.

23 (2) A description of the plans of the Depart-
24 ment of Defense to mitigate the impact of the can-
25 cellation of the Ares I, the Ares V, or their solid

1 rocket alternatives or derivatives, and all supporting
2 elements, on the United States solid rocket motor
3 industrial base, including a description of the Na-
4 tional Aeronautics and Space Administration and
5 Department of Defense funding required to imple-
6 ment such plans between fiscal years 2012 and
7 2017.

8 (3) A description of the impact of the cancella-
9 tion of the Ares I, Ares V, or their solid rocket alter-
10 natives or derivatives, and all supporting elements,
11 on international partners in programs such as the
12 D-5 Trident missile.

13 (4) A detailed description of the source of the
14 data used in the report.

15 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this subsection, the term “appropriate com-
17 mittees of Congress” means—

18 (1) the Committees on Armed Services, Com-
19 merce, Science, and Transportation, and Appropria-
20 tions of the Senate; and

21 (2) the Committees on Armed Services, Science
22 and Technology, and Appropriations of the House of
23 Representatives.

1 **SEC. 916. IMPLEMENTATION PLAN TO SUSTAIN SOLID**
2 **ROCKET MOTOR INDUSTRIAL BASE.**

3 (a) IN GENERAL.—The Secretary of Defense shall
4 develop an implementation plan to sustain the solid rocket
5 motor industrial base that—

6 (1) is based on the recommendations included
7 in the report submitted to the congressional defense
8 committees under section 1078 of the National De-
9 fense Authorization Act for Fiscal Year 2010 (Pub-
10 lic Law 111–84; 123 Stat. 2479); and

11 (2) includes a funding plan for carrying out the
12 implementation plan.

13 (b) SUBMITTAL TO CONGRESS.—The implementation
14 plan required by subsection (a) shall be submitted to Con-
15 gress with the budget of the President for fiscal year 2012
16 as submitted under section 1105(a) of title 31, United
17 States Code.

18 **SEC. 917. REVIEW AND PLAN ON SUSTAINMENT OF LIQUID**
19 **ROCKET PROPULSION SYSTEMS INDUSTRIAL**
20 **BASE.**

21 (a) IN GENERAL.—The Secretary of Defense shall,
22 in consultation with the Administrator of the National
23 Aeronautics and Space Administration, review, and de-
24 velop a plan to sustain, the liquid rocket propulsion sys-
25 tems industrial base.

1 (b) ELEMENTS.—The review and plan required by
2 subsection (a) shall address the following:

3 (1) The capacity to maintain currently available
4 liquid rocket propulsion systems.

5 (2) The maintenance of an intellectual and en-
6 gineering capacity to support next generation liquid
7 rocket propulsion systems and engines, as needed.

8 (3) Opportunities for interagency collaboration
9 and research and development on future propulsion
10 systems.

11 (c) SUBMITTAL TO CONGRESS.—Not later than 180
12 days after the date of the enactment of this Act, the Sec-
13 retary shall submit to the congressional defense commit-
14 tees the plan required by subsection (a).

15 **Subtitle C—Intelligence-Related**
16 **Matters**

17 **SEC. 921. FIVE-YEAR EXTENSION OF AUTHORITY FOR SEC-**
18 **RETARY OF DEFENSE TO ENGAGE IN COM-**
19 **MERCIAL ACTIVITIES AS SECURITY FOR IN-**
20 **TELLIGENCE COLLECTION ACTIVITIES.**

21 The second sentence of section 431(a) of title 10,
22 United States Code, is amended by striking “December
23 31, 2010” and inserting “December 31, 2015”.

1 **SEC. 922. MODIFICATION OF ATTENDEES AT PROCEEDINGS**
2 **OF INTELLIGENCE, SURVEILLANCE, AND RE-**
3 **CONNAISSANCE INTEGRATION COUNCIL.**

4 (a) FINDINGS.—Section 923(a)(4) of the National
5 Defense Authorization Act for Fiscal Year 2004 (Public
6 Law 108–163; 117 Stat. 1574; 10 U.S.C. 426 note) is
7 amended by striking “National Foreign Intelligence Pro-
8 gram (NFIP), Joint Military Intelligence Program
9 (JMIP), and Tactical Intelligence and Related Activities
10 Program (TIARA)” and inserting “National Intelligence
11 Program (NIP) and a Military Intelligence Program
12 (MIP)”.

13 (b) ADDITIONAL AUTHORIZED ATTENDEES.—Sec-
14 tion 426(a) of title 10, United States Code, is amended
15 by adding at the end the following new paragraph:

16 “(4) Each Secretary of a military department may
17 designate an officer or employee of such military depart-
18 ment to attend the proceedings of the Council as a rep-
19 resentative of such military department.”.

20 **SEC. 923. REPORT ON DEPARTMENT OF DEFENSE INTER-**
21 **SERVICE MANAGEMENT AND COORDINATION**
22 **OF REMOTELY PILOTED AIRCRAFT SUPPORT**
23 **OF INTELLIGENCE, SURVEILLANCE, AND RE-**
24 **CONNAISSANCE.**

25 (a) REPORT REQUIRED.—

1 (1) REPORT TO SECRETARY OF DEFENSE BY
2 CHIEFS OF STAFF.—Not later than 120 days after
3 the date of the enactment of this Act, the Chief of
4 Staff of the Army, the Chief of Naval Operations,
5 and the Chief of Staff of the Air Force shall jointly
6 submit to the Secretary of Defense a report, in ac-
7 cordance with this section, on remotely piloted air-
8 craft (RPA) support of intelligence, surveillance, and
9 reconnaissance (ISR) within their respective Armed
10 Forces.

11 (2) TRANSMITTAL TO CONGRESS.—Not later
12 than 30 days after the receipt of the report required
13 by paragraph (1), the Secretary shall transmit the
14 report, together with the assessment and any rec-
15 ommendations of the Secretary (including the mat-
16 ters required pursuant to subsection (b)(2)), to the
17 congressional defense committees.

18 (b) ELEMENTS.—The report required by subsection
19 (a) shall include the following:

20 (1) In the case of the report required by sub-
21 section (a)(1), a description by each chief of staff re-
22 ferred to in that subsection of—

23 (A) current and planned remotely piloted
24 aircraft inventories to support intelligence, sur-
25 veillance, and reconnaissance requirements over

1 the period 2011 to 2020, including an identi-
2 fication of systems each Armed Force considers
3 organic and the systems capable of providing
4 theater-level support to the commanders of the
5 combatant commands;

6 (B) policy and processes of each Armed
7 Force for coordinating investments in remotely
8 piloted aircraft to meet joint force requirements
9 for intelligence, surveillance, and reconnaissance
10 and to eliminate unnecessary duplication in
11 both development and capability; and

12 (C) the current employment of remotely pi-
13 loted aircraft by each Armed Force, including
14 the number of remotely piloted aircraft de-
15 ployed in support operations, the number of re-
16 motely piloted aircraft assigned for training,
17 and the number of remotely piloted aircraft
18 warehoused, the capacity of each Armed Force
19 to process, exploit, and disseminate intelligence,
20 surveillance, and reconnaissance data collected,
21 and the extent to which assets are provided to
22 the joint community to meet requirements of
23 the combatant commands.

24 (2) In the case of the transmittal required by
25 subsection (a)(2)—

1 (A) an assessment of the effectiveness of
2 the employment of remotely piloted aircraft by
3 each Armed Force, and a description of the per-
4 centage of joint force requirements for intel-
5 ligence, surveillance, and reconnaissance that
6 are being met by the remotely piloted aircraft
7 of each Armed Force;

8 (B) a description of the joint concept of
9 operations under which each Armed Force pro-
10 vides intelligence, surveillance, and reconnais-
11 sance capabilities through remotely piloted air-
12 craft to meet the requirements of the combat-
13 ant commands;

14 (C) a description of the processes by which
15 current requirements of the commanders of the
16 combatant commands for intelligence, surveil-
17 lance, and reconnaissance are validated, and
18 how the remotely piloted aircraft capabilities of
19 each Armed Force are assigned against vali-
20 dated requirements;

21 (D) a description of the current intel-
22 ligence, surveillance, and reconnaissance re-
23 quirements of each combatant command
24 through remotely piloted aircraft;

1 (E) a description of how the requirements
2 described under subparagraph (D) are being
3 met;

4 (F) an identification of any mission deg-
5 radation or failure within the combatant com-
6 mands due to lack of intelligence, surveillance,
7 and reconnaissance support;

8 (G) a description of various means of ad-
9 dressing any shortfalls in meeting the require-
10 ments described under subparagraph (D), in-
11 cluding temporary shortfalls and permanent
12 shortfalls;

13 (H) a description of the organization of the
14 Unmanned Aerial System Task Force, including
15 the goals and objectives of the task force and
16 the participation and roles of each Armed Force
17 within the task force;

18 (I) a description of the organization of the
19 Intelligence, Surveillance, and Reconnaissance
20 Task Force, including the goals and objectives
21 of the task force and the participation and roles
22 of each Armed Force within the task force; and

23 (J) an identification of any theater-level in-
24 telligence, surveillance, and reconnaissance ca-
25 pacity of an Armed Force that is not being

1 made available by services to fulfill joint force
2 requirements for intelligence, surveillance, and
3 reconnaissance.

4 (c) REMOTELY PILOTED AIRCRAFT DEFINED.—In
5 this section, the term “remotely piloted aircraft” means
6 any unmanned aircraft operated remotely, whether within
7 or beyond line-of-sight, including unmanned aerial systems
8 (UAS), unmanned aerial vehicles (UAV), remotely piloted
9 vehicles (RPV), and remotely piloted aircraft (RPA).

10 **SEC. 924. REPORT ON REQUIREMENTS FULFILLMENT AND**
11 **PERSONNEL MANAGEMENT RELATING TO AIR**
12 **FORCE INTELLIGENCE, SURVEILLANCE, AND**
13 **RECONNAISSANCE PROVIDED BY REMOTELY**
14 **PILOTED AIRCRAFT.**

15 (a) REPORT REQUIRED.—Not later than 120 days
16 after the date of the enactment of this Act, the Secretary
17 of the Air Force shall, in coordination with the Under Sec-
18 retary of Defense for Acquisition, Technology, and Logis-
19 tics and the Under Secretary of Defense for Intelligence,
20 submit to the appropriate committees of Congress a report
21 on requirements fulfillment and personnel management in
22 connection with Air Force intelligence, surveillance, and
23 reconnaissance (ISR) provided by remotely piloted aircraft
24 (RPA).

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the following:

3 (1) A description of the Joint Concept of Oper-
4 ation under which the Air Force operates to fulfill
5 intelligence, surveillance, and reconnaissance re-
6 quirements provided by remotely piloted aircraft.

7 (2) A description of the current requirements of
8 each combatant command for Air Force intelligence,
9 surveillance, and reconnaissance provided by re-
10 motely piloted aircraft, including—

11 (A) the number of orbits or combat air pa-
12 trols for each major platform and sensor pay-
13 load combination;

14 (B) the number of aircraft, aircraft opera-
15 tors, and ground crews in each orbit or combat
16 air patrol, variations in the numbers of each,
17 and the explanation for such variations;

18 (C) a description of how requirements are
19 being met by the management of personnel,
20 platforms, sensors, and networks; and

21 (D) a description of various means of ad-
22 dressing any shortfalls in meeting such require-
23 ments, including temporary shortfalls and per-
24 manent shortfalls.

1 (3) A description of manpower management to
2 fulfill Air Force mission requirements for intel-
3 ligence, surveillance, and reconnaissance require-
4 ments provided by remotely piloted aircraft, includ-
5 ing the current number of personnel associated with
6 each combat air patrol by remotely piloted aircraft
7 for aircraft pilots, sensor operators, mission intel-
8 ligence coordinators, and processing, exploitation,
9 and dissemination analysts (in this section referred
10 to as “operators and analysts for remotely piloted
11 aircraft”).

12 (4) A description of current Air Force man-
13 power requirements for operators and analysts for
14 remotely piloted aircraft, and any plans for meeting
15 such requirements, including—

16 (A) an identification of any shortfalls in
17 personnel, skill specialties, and grades; and

18 (B) any plans of the Air Force to address
19 such shortfalls, including—

20 (i) plans to address shortfalls in appli-
21 cable career field retention rates; and

22 (ii) plans for utilization of National
23 Guard and other reserve component per-
24 sonnel to address shortfalls in such per-
25 sonnel, skill specialties, and grades.

1 (5) A description of the projected Air Force
2 manpower requirements for operators and analysts
3 for remotely piloted aircraft in each of 2015 and
4 2020, including—

5 (A) an identification of any significant
6 challenges to achieving such requirements in
7 particular skill specialties and grades; and

8 (B) any plans of the Air Force to address
9 such challenges.

10 (6) A description of the collaboration of the Air
11 Force with, and the reliance of the Air Force on, the
12 other Armed Forces and the combat support agen-
13 cies, in asset management for intelligence, surveil-
14 lance, and reconnaissance by remotely piloted air-
15 craft, including personnel for processing, exploi-
16 tation, and dissemination.

17 (7) A description of potential adverse con-
18 sequences of operating intelligence, surveillance, and
19 reconnaissance by remotely piloted aircraft, and as-
20 sociated intelligence support infrastructure, in a
21 surge, understaffed state, or both, including—

22 (A) the impact of having to provide for-
23 ward processing, exploitation, and dissemination
24 to support emerging capabilities; and

1 (B) any plans of the Air Force to mitigate
2 such consequences.

3 (8) A description of the status of Air Force
4 training programs for operators and analysts for re-
5 motely piloted aircraft, including the ability to meet
6 Air Force manpower requirements for such opera-
7 tors and analysts, and plans for increasing training
8 capacity to match plans for expanding Air Force in-
9 telligence, surveillance, and reconnaissance capabili-
10 ties.

11 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
12 FINED.—In this section, the term “appropriate commit-
13 tees of Congress” means—

14 (1) the Committee on Armed Services, the
15 Committee on Appropriations, and the Select Com-
16 mittee on Intelligence of the Senate; and

17 (2) the Committee on Armed Services, the
18 Committee on Appropriations, and the Permanent
19 Select Committee on Intelligence of the House of
20 Representatives.

1 **Subtitle D—Cyber Warfare, Cyber**
2 **Security, and Related Matters**

3 **SEC. 931. CONTINUOUS MONITORING OF DEPARTMENT OF**
4 **DEFENSE INFORMATION SYSTEMS FOR CY-**
5 **BERSECURITY.**

6 (a) IN GENERAL.—The Secretary of Defense shall di-
7 rect the Chief Information Officer of the Department of
8 Defense to work, in coordination with the Chief Informa-
9 tion Officers of the military departments and the Defense
10 Agencies and with senior cybersecurity and information
11 assurance officials within the Department of Defense and
12 otherwise within the Federal Government, to achieve, to
13 the extent practicable, the following:

14 (1) The continuous prioritization of the policies,
15 principles, standards, and guidelines developed under
16 section 20 of the National Institute of Standards
17 and Technology Act (15 U.S.C. 278g–3) with agen-
18 cies and offices operating or exercising control of na-
19 tional security systems (including the National Secu-
20 rity Agency) based upon the evolving threat of infor-
21 mation security incidents with respect to national se-
22 curity systems, the vulnerability of such systems to
23 such incidents, and the consequences of information
24 security incidents involving such systems.

1 (2) The automation of continuous monitoring of
2 the effectiveness of the information security policies,
3 procedures, and practices within the information in-
4 frastructure of the Department of Defense, and the
5 compliance of that infrastructure with such policies,
6 procedures, and practices, including automation of—

7 (A) management, operational, and tech-
8 nical controls of every information system iden-
9 tified in the inventory required under section
10 3505(c) of title 44, United States Code; and

11 (B) management, operational, and tech-
12 nical controls relied on for evaluations under
13 section 3545 of title 44, United States Code.

14 (b) DEFINITIONS.—In this section:

15 (1) The term “information security incident”
16 means an occurrence that—

17 (A) actually or potentially jeopardizes the
18 confidentiality, integrity, or availability of an
19 information system or the information such sys-
20 tem processes, stores, or transmits; or

21 (B) constitutes a violation or imminent
22 threat of violation of security policies, security
23 procedures, or acceptable use policies with re-
24 spect to an information system.

1 (2) The term “information infrastructure”
2 means the underlying framework, equipment, and
3 software that an information system and related as-
4 sets rely on to process, transmit, receive, or store in-
5 formation electronically.

6 (3) The term “national security system” has
7 the meaning given that term in section 3542(b)(2)
8 of title 44, United States Code.

9 **SEC. 932. STRATEGY ON COMPUTER SOFTWARE ASSUR-**
10 **ANCE.**

11 (a) **STRATEGY REQUIRED.**—The Secretary of De-
12 fense shall develop and implement, by not later than Octo-
13 ber 1, 2011, a strategy for assuring the security of soft-
14 ware and software-based applications for all covered sys-
15 tems.

16 (b) **COVERED SYSTEMS.**—For purposes of this sec-
17 tion, a covered system is any critical information system
18 or weapon system of the Department of Defense, including
19 the following:

20 (1) A major system, as that term is defined in
21 section 2302(5) of title 10, United States Code.

22 (2) A national security system, as that term is
23 defined in section 3542(b)(2) of title 44, United
24 States Code.

1 (3) Any Department of Defense information
2 system categorized as Mission Assurance Category I.

3 (4) Any Department of Defense information
4 system categorized as Mission Assurance Category
5 II in accordance with Department of Defense Direc-
6 tive 8500.01E.

7 (c) ELEMENTS.—The strategy required by subsection
8 (a) shall include the following:

9 (1) Policy and regulations on the following:

10 (A) Software assurance generally.

11 (B) Contract requirements for software as-
12 surance for covered systems in development and
13 production.

14 (C) Inclusion of software assurance in
15 milestone reviews and milestone approvals.

16 (D) Rigorous test and evaluation of soft-
17 ware assurance in development, acceptance, and
18 operational tests.

19 (E) Certification and accreditation require-
20 ments for software assurance for new systems
21 and for updates for legacy systems, including
22 mechanisms to monitor and enforce reciprocity
23 of certification and accreditation processes
24 among the military departments and Defense
25 Agencies.

1 (F) Remediation in legacy systems of crit-
2 ical software assurance deficiencies that are de-
3 fined as critical in accordance with the Applica-
4 tion Security Technical Implementation Guide
5 of the Defense Information Systems Agency.

6 (2) Allocation of adequate facilities and other
7 resources for test and evaluation and certification
8 and accreditation of software to meet applicable re-
9 quirements for research and development, systems
10 acquisition, and operations.

11 (3) Mechanisms for protection against com-
12 promise of information systems through the supply
13 chain or cyber attack by acquiring and improving
14 automated tools for—

15 (A) assuring the security of software and
16 software applications during software develop-
17 ment;

18 (B) detecting vulnerabilities during testing
19 of software; and

20 (C) detecting intrusions during real-time
21 monitoring of software applications.

22 (4) Mechanisms providing the Department of
23 Defense with the capabilities—

1 (A) to monitor systems and applications in
2 order to detect and defeat attempts to penetrate
3 or disable such systems and applications; and

4 (B) to ensure that such monitoring capa-
5 bilities are integrated into the Department of
6 Defense system of cyber defense-in-depth capa-
7 bilities.

8 (5) An update to Committee for National Secu-
9 rity Systems Instruction No. 4009, entitled “Na-
10 tional Information Assurance Glossary”, to include a
11 standard definition for software security assurance.

12 (6) Either—

13 (A) mechanisms to ensure that vulnerable
14 Mission Assurance Category III information
15 systems, if penetrated, cannot be used as a
16 foundation for penetration of protected covered
17 systems, and means for assessing the effective-
18 ness of such mechanisms; or

19 (B) plans to address critical vulnerabilities
20 in Mission Assurance Category III information
21 systems to prevent their use for intrusions of
22 Mission Assurance Category I systems and Mis-
23 sion Assurance Category II systems.

1 (7) A funding mechanism for remediation of
2 critical software assurance vulnerabilities in legacy
3 systems.

4 (d) REPORT.—Not later than October 1, 2011, the
5 Secretary of Defense shall submit to the congressional de-
6 fense committees a report on the strategy required by sub-
7 section (a). The report shall include the following:

8 (1) A description of the current status of the
9 strategy required by subsection (a) and of the imple-
10 mentation of the strategy, including a description of
11 the role of the strategy in the risk management by
12 the Department regarding the supply chain and in
13 operational planning for cyber security.

14 (2) A description of the risks, if any, that the
15 Department will accept in the strategy due to limita-
16 tions on funds or other applicable constraints.

17 **SEC. 933. STRATEGY FOR ACQUISITION AND OVERSIGHT OF**
18 **DEPARTMENT OF DEFENSE CYBER WARFARE**
19 **CAPABILITIES.**

20 (a) STRATEGY REQUIRED.—The Secretary of De-
21 fense, in consultation with the Secretaries of the military
22 departments, shall develop a strategy to provide for the
23 rapid acquisition of tools, applications, and other capabili-
24 ties for cyber warfare for the United States Cyber Com-

1 mand and the cyber operations components of the military
2 departments.

3 (b) BASIC ELEMENTS.—The strategy required by
4 subsection (a) shall include the following:

5 (1) An orderly process for determining and ap-
6 proving operational requirements.

7 (2) A well-defined, repeatable, transparent, and
8 disciplined process for developing capabilities to
9 meet such requirements, in accordance with the in-
10 formation technology acquisition process developed
11 pursuant to section 804 of the National Defense Au-
12 thorization Act for Fiscal Year 2010 (Public Law
13 111–84; 10 U.S.C. 2225 note).

14 (3) The allocation of facilities and other re-
15 sources to thoroughly test such capabilities in devel-
16 opment, before deployment, and before use in order
17 to validate performance and take into account collat-
18 eral damage and other so-called second-order effects.

19 (c) ADDITIONAL ELEMENTS.—The strategy required
20 by subsection (a) shall also provide for the following:

21 (1) Safeguards to prevent—

22 (A) the circumvention of operational re-
23 quirements and acquisition processes through
24 informal relationships among the United States
25 Cyber Command, the Armed Forces, the Na-

1 tional Security Agency, and the Defense Infor-
2 mation Systems Agency; and

3 (B) the abuse of quick-reaction processes
4 otherwise available for the rapid fielding of ca-
5 pabilities.

6 (2) The establishment of reporting and over-
7 sight processes for requirements generation and ap-
8 proval for cyber warfare capabilities, the assignment
9 of responsibility for providing capabilities to meet
10 such requirements, and the execution of development
11 and deployment of such capabilities, under the au-
12 thority of the Chairman of the Joint Requirements
13 Oversight Council, the Under Secretary of Defense
14 for Policy, and other officials in the Office of the
15 Secretary of Defense, as designated in the strategy.

16 (3) The establishment and maintenance of test
17 and evaluation facilities and resources for cyber in-
18 frastructure to support research and development,
19 operational test and evaluation, operational planning
20 and effects testing, and training by replicating or
21 emulating networks and infrastructure maintained
22 and operated by the military and political organiza-
23 tions of potential United States adversaries, by do-
24 mestic and foreign telecommunications service pro-
25 viders, and by the Department of Defense.

1 (4) An organization or organizations within the
2 Department of Defense to be responsible for the op-
3 eration and maintenance of cyber infrastructure for
4 research, development, test, and evaluation purposes.

5 (5) Appropriate disclosure regarding United
6 States cyber warfare capabilities to the independent
7 test and evaluation community, and the involvement
8 of that community in the development and mainte-
9 nance of such capabilities, regardless of classifica-
10 tion.

11 (6) The role of the private sector and appro-
12 priate Department of Defense organizations in devel-
13 oping capabilities to operate in cyberspace, and a
14 clear process for determining whether to allocate re-
15 sponsibility for responding to Department of De-
16 fense cyber warfare requirements through Federal
17 Government personnel, contracts with private sector
18 entities, or a combination of both.

19 (7) The roles of each military department, and
20 of the combat support Defense Agencies, in the de-
21 velopment of cyber warfare capabilities in support of
22 offensive, defensive, and intelligence operational re-
23 quirements.

24 (8) Mechanisms to promote information shar-
25 ing, cooperative agreements, and collaboration with

1 international, interagency, academic, and industrial
2 partners in the development of cyber warfare capa-
3 bilities.

4 (9) The manner in which the Department of
5 Defense will promote interoperability, share innova-
6 tion, and avoid unproductive duplication in cyber
7 warfare capabilities through specialization among
8 the components of the Department responsible for
9 developing cyber capabilities.

10 (d) REPORT ON STRATEGY.—

11 (1) REPORT REQUIRED.—Not later than 180
12 days after the date of the enactment of this Act, the
13 Secretary of Defense shall submit to the appropriate
14 committees of Congress a report on the strategy re-
15 quired by subsection (a). The report shall include a
16 comprehensive description of the strategy and plans
17 (including a schedule) for the implementation of the
18 strategy.

19 (2) APPROPRIATE COMMITTEES OF CONGRESS
20 DEFINED.—In this subsection, the term “appro-
21 priate committees of Congress” means—

22 (A) the Committee on Armed Services, the
23 Committee on Appropriations, and the Select
24 Committee on Intelligence of the Senate; and

1 (B) the Committee on Armed Services, the
2 Committee on Appropriations, and the Perma-
3 nent Select Committee on Intelligence of the
4 House of Representatives.

5 **SEC. 934. REPORT ON THE CYBER WARFARE POLICY OF**
6 **THE DEPARTMENT OF DEFENSE.**

7 (a) REPORT REQUIRED.—Not later than March 1,
8 2011, the Secretary of Defense shall submit to Congress
9 a report on the cyber warfare policy of the Department
10 of Defense.

11 (b) ELEMENTS.—The report required under this sec-
12 tion shall include the following:

13 (1) A description of the policy and legal issues
14 investigated and evaluated by the Department in
15 considering the range of missions and activities that
16 the Department may choose to conduct in cyber-
17 space.

18 (2) The decisions of the Secretary with respect
19 to such issues, and the recommendations of the Sec-
20 retary to the President for decisions on such of
21 those issues as exceed the authority of the Secretary
22 to resolve, together with the rationale and justifica-
23 tion of the Secretary for such decisions and rec-
24 ommendations.

1 (3) A description of the intentions of the Sec-
2 retary with regard to modifying the National Mili-
3 tary Strategy for Cyberspace Operations.

4 (4) The current use of, and potential applica-
5 tions of, modeling and simulation tools to identify
6 likely cybersecurity vulnerabilities, as well as new
7 protective and remediation means, within the De-
8 partment.

9 (5) The application of modeling and simulation
10 technology to develop strategies and programs to
11 deter hostile or malicious activity intended to com-
12 promise Department information systems.

13 (c) FORM.—The report required under this section
14 shall be submitted in unclassified form, but may include
15 a classified annex.

16 **SEC. 935. REPORTS ON DEPARTMENT OF DEFENSE**
17 **PROGRESS IN DEFENDING THE DEPARTMENT**
18 **AND THE DEFENSE INDUSTRIAL BASE FROM**
19 **CYBER EVENTS.**

20 (a) REPORTS ON PROGRESS REQUIRED.—Not later
21 than 180 days after the date of the enactment of this Act,
22 and March 1 every year thereafter through 2015, the Sec-
23 retary of Defense shall submit to the congressional defense
24 committees a report on the progress of the Department
25 of Defense in defending the Department and the defense

1 industrial base from cyber events (such as attacks, intru-
2 sions, and theft).

3 (b) ELEMENTS.—Each report under subsection (a)
4 shall include the following:

5 (1) In the case of the first report, a baseline for
6 measuring the progress of the Department of De-
7 fense in defending the Department and the defense
8 industrial base from cyber events, including defini-
9 tions of significant cyber events, an appropriate cat-
10 egorization of various types of cyber events, the
11 basic methods used in various cyber events, the
12 vulnerabilities exploited in such cyber events, and
13 the metrics to be utilized to determine whether the
14 Department is or is not making progress against an
15 evolving cyber threat.

16 (2) An ongoing assessment of such baseline
17 against key cyber defense strategies (described in
18 subsection (c)) to determine implementation
19 progress.

20 (3)(A) A description of the nature and scope of
21 significant cyber events against the Department and
22 the defense industrial base during the preceding
23 year, including, for each such event, a description of
24 the intelligence or other Department data acquired,
25 the extent of the corruption or compromise of De-

1 partment information or weapon systems, and the
2 impact of such event on the Department generally
3 and on operational capabilities.

4 (B) For any such event that has been inves-
5 tigated by or on behalf of the Damage Assessment
6 Management Office, a synopsis of each damage as-
7 sessment report, with emphasis on actions needing
8 remediation.

9 (4) A comparative assessment of the offensive
10 cyber warfare capabilities of current representative
11 potential United States adversaries and nations with
12 advanced cyber warfare capabilities with the capacity
13 of the United States to defend—

14 (A) military networks and mission capabili-

15 ties; and

16 (B) critical infrastructure.

17 (5) A comparative assessment of the offensive
18 cyber warfare capabilities of the United States with
19 the capacity of current representative potential
20 United States adversaries and nations with advanced
21 cyber warfare capabilities to defend against cyber at-
22 tacks.

23 (6) A comparative assessment of the degree of
24 dependency of current representative potential
25 United States adversaries, nations with advanced

1 cyber warfare capabilities, and the United States on
2 networks that can be attacked through cyberspace.

3 (7) A description of known or suspected identi-
4 fied supply chain vulnerabilities, including known or
5 suspected supply chain attacks, and actions to reme-
6 diate such vulnerabilities.

7 (c) KEY CYBER DEFENSE STRATEGIES.—For pur-
8 poses of subsection (b)(2), key cyber defense strategies in-
9 clude the following:

10 (1) Relevant valid Homeland Security Presi-
11 dential Directives and National Security Presidential
12 Directives.

13 (2) The Comprehensive National Cybersecurity
14 Initiative.

15 (3) The National Military Strategy for Cyber-
16 space Operations implementation plan.

17 (d) PERFORMANCE OF CERTAIN ASSESSMENTS.—
18 The comparative assessment of critical infrastructure re-
19 quired by subsection (b)(4)(B) shall be performed by the
20 Secretary of Homeland Security, in coordination with the
21 Secretary of Defense and the heads of other agencies of
22 the Government with specific responsibility for critical in-
23 frastructure.

1 (e) FORM.—Each report under this section shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 **Subtitle E—Other Matters**

5 **SEC. 941. TWO-YEAR EXTENSION OF AUTHORITIES RELAT-** 6 **ING TO TEMPORARY WAIVER OF REIMBURSE-** 7 **MENT OF COSTS OF ACTIVITIES FOR NON-** 8 **GOVERNMENTAL PERSONNEL AT DEPART-** 9 **MENT OF DEFENSE REGIONAL CENTERS FOR** 10 **SECURITY STUDIES.**

11 (a) EXTENSION OF WAIVER.—Paragraph (1) of sec-
12 tion 941(b) of the Duncan Hunter National Defense Au-
13 thorization Act for Fiscal Year 2009 (Public Law 110–
14 417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by
15 striking “fiscal years 2009 and 2010” and inserting “fis-
16 cal years 2009 through 2012”.

17 (b) ANNUAL REPORT.—Paragraph (3) of such sec-
18 tion is amended by striking “in 2010 and 2011” and in-
19 serting “in each year through 2013”.

20 **SEC. 942. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL** 21 **ROLES AND MISSIONS REVIEW IN 2011.**

22 (a) ADDITIONAL ACTIVITIES CONSIDERED.—As part
23 of the quadrennial roles and missions review conducted in
24 2011 pursuant to section 118b of title 10, United States
25 Code, the Secretary of Defense shall give consideration to

1 the following activities, giving particular attention to their
2 role in counter-terrorism operations:

3 (1) Information operations.

4 (2) Detention and interrogation.

5 (b) ADDITIONAL REPORT REQUIREMENT.—In the re-
6 port required by section 118b(d) of such title for such re-
7 view in 2011, the Secretary of Defense shall—

8 (1) provide clear guidance on the nature and
9 extent of which core competencies are associated
10 with the activities listed in subsection (a); and

11 (2) identify the elements of the Department of
12 Defense that are responsible or should be responsible
13 for providing such core competencies.

14 **SEC. 943. REPORT ON ORGANIZATIONAL STRUCTURE AND**
15 **POLICY GUIDANCE OF THE DEPARTMENT OF**
16 **DEFENSE REGARDING INFORMATION OPER-**
17 **ATIONS.**

18 (a) REPORT REQUIRED.—Not later than 90 days
19 after the date of the enactment of this Act, the Secretary
20 of Defense shall submit to the Committee on Armed Serv-
21 ices of the Senate and the Committee on Armed Services
22 of the House of Representatives a report on the organiza-
23 tional structure and policy guidance of the Department
24 of Defense with respect to information operations.

1 (b) REVIEW.—In preparing the report required by
2 subsection (a), the Secretary shall review the following:

3 (1) The extent to which the current definition
4 of “information operations” in Department of De-
5 fense Directive 3600.1 is appropriate.

6 (2) The location of the office within the Depart-
7 ment of the lead official responsible for information
8 operations of the Department, including assessments
9 of the most effective location and the need to des-
10 ignate a principal staff assistant to the Secretary of
11 Defense for information operations.

12 (3) Departmental responsibility for the develop-
13 ment, coordination, and oversight of Department
14 policy on information operations and for the integra-
15 tion of such operations.

16 (4) Departmental responsibility for the plan-
17 ning, execution, and oversight of Department infor-
18 mation operations.

19 (5) Departmental responsibility for coordination
20 within the Department, and between the Depart-
21 ment and other departments and agencies of the
22 Federal Government, regarding Department infor-
23 mation operations, and for the resolution of conflicts
24 in the discharge of such operations, including an as-

1 assessment of current coordination bodies and deci-
2 sionmaking processes.

3 (6) The roles and responsibilities of the military
4 departments, combat support agencies, the United
5 States Special Operations Command, and the other
6 combatant commands in the development and imple-
7 mentation of information operations.

8 (7) The roles and responsibilities of the defense
9 intelligence agencies for support of information oper-
10 ations.

11 (8) The role in information operations of the
12 following Department officials:

13 (A) The Assistant Secretary of Defense for
14 Public Affairs.

15 (B) The Assistant Secretary of Defense for
16 Special Operations and Low-Intensity Conflict.

17 (C) The senior official responsible for in-
18 formation processing and networking capabili-
19 ties.

20 (9) The role of related capabilities in the dis-
21 charge of information operations, including public
22 affairs capabilities, civil-military operations capabili-
23 ties, defense support of public diplomacy, and intel-
24 ligence.

1 (10) The management structure of computer
2 network operations in the Department for the dis-
3 charge of information operations, and the policy in
4 support of that component.

5 (11) The appropriate use, management, and
6 oversight of contractors in the development and im-
7 plementation of information operations, including an
8 assessment of current guidance and policy directives
9 pertaining to the uses of contractors for these pur-
10 poses.

11 (c) FORM.—The report required by subsection (a)
12 shall be submitted in unclassified form, with a classified
13 annex, if necessary.

14 (d) DEPARTMENT OF DEFENSE DIRECTIVE.—Upon
15 the submittal of the report required by subsection (a), the
16 Secretary shall prescribe a revised directive for the De-
17 partment of Defense on information operations. The direc-
18 tive shall take into account the results of the review con-
19 ducted for purposes of the report.

20 (e) INFORMATION OPERATIONS DEFINED.—In this
21 section, the term “information operations” means the in-
22 formation operations specified in Department of Defense
23 Directive 3600.1, as follows:

24 (1) Electronic warfare.

25 (2) Computer network operations.

1 (3) Psychological operations.

2 (4) Military deception.

3 (5) Operations security.

4 **SEC. 944. REPORT ON ORGANIZATIONAL STRUCTURES OF**
5 **THE GEOGRAPHIC COMBATANT COMMAND**
6 **HEADQUARTERS.**

7 (a) REPORT REQUIRED.—Not later than 90 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense and the Chairman of the Joint Chiefs of Staff
10 shall jointly submit to the Committee on Armed Services
11 of the Senate and the Committee on Armed Services of
12 the House of Representatives a report on the organiza-
13 tional structures of the headquarters of the geographic
14 combatant commands.

15 (b) ELEMENTS.—The report required by subsection
16 (a) shall include the following;

17 (1) A description of the organizational structure
18 of the headquarters of each geographic combatant
19 command.

20 (2) An assessment of the benefits and limita-
21 tions of the different organizational structures in
22 meeting the broad range of military missions of the
23 geographic combatant commands.

24 (3) A description and assessment of the role
25 and contributions of other departments and agencies

1 of the Federal Government within each organiza-
 2 tional structure, including a description of any plans
 3 to expand interagency participation in the geo-
 4 graphic combatant commands in the future.

5 (4) A description of any lessons learned from
 6 the ongoing reorganization of the organizational
 7 structure of the United States Southern Command
 8 and the United States Africa Command, including
 9 an assessment of the value, if any, added by the po-
 10 sition of civilian deputy to the commander of the
 11 United States Southern Command and to the com-
 12 mander of the United States Africa Command.

13 (5) Any other matters the Secretary and the
 14 Chairman consider appropriate.

15 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Authorization of additional appropriations for operations in Afghani-
 stan, 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 en-
 forcement 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 agen-
 cies 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.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4 (1) AUTHORITY.—Upon determination by the
5 Secretary of Defense that such action is necessary in
6 the national interest, the Secretary may transfer
7 amounts of authorizations made available to the De-
8 partment of Defense in this division for fiscal year
9 2011 between any such authorizations for that fiscal
10 year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and
12 be available for the same purposes as the authoriza-
13 tion to which transferred.

14 (2) LIMITATION.—Except as provided in para-
15 graph (3), the total amount of authorizations that
16 the Secretary may transfer under the authority of
17 this section may not exceed \$4,000,000,000.

18 (3) EXCEPTION FOR TRANSFERS BETWEEN
19 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
20 fer of funds between military personnel authoriza-
21 tions under title IV shall not be counted toward the
22 dollar limitation in paragraph (2).

1 (b) LIMITATIONS.—The authority provided by this
2 section to transfer authorizations—

3 (1) may only be used to provide authority for
4 items that have a higher priority than the items
5 from which authority is transferred; and

6 (2) may not be used to provide authority for an
7 item that has been denied authorization by Con-
8 gress.

9 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
10 transfer made from one account to another under the au-
11 thority of this section shall be deemed to increase the
12 amount authorized for the account to which the amount
13 is transferred by an amount equal to the amount trans-
14 ferred.

15 (d) NOTICE TO CONGRESS.—The Secretary shall
16 promptly notify Congress of each transfer made under
17 subsection (a).

18 **SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIA-**
19 **TIONS FOR OPERATIONS IN AFGHANISTAN,**
20 **IRAQ, AND HAITI FOR FISCAL YEAR 2010.**

21 In addition to the amounts otherwise authorized to
22 be appropriated by this division, the amounts authorized
23 to be appropriated for fiscal year 2010 in title XV of the
24 National Defense Authorization Act for Fiscal Year 2010

1 (Public Law 111–84) are hereby increased, with respect
2 to any such authorized amount, as follows:

3 (1) The amounts provided in sections 1502
4 through 1507 of such Act for the following procure-
5 ment accounts are increased as follows:

6 (A) For aircraft procurement, Army, by
7 \$182,170,000.

8 (B) For weapons and tracked combat vehi-
9 cles procurement, Army, by \$3,000,000.

10 (C) For ammunition procurement, Army,
11 by \$17,055,000.

12 (D) For other procurement, Army, by
13 \$1,997,918,000.

14 (E) For the Joint Improvised Explosive
15 Device Defeat Fund, by \$400,000,000.

16 (F) For aircraft procurement, Navy, by
17 \$104,693,000.

18 (G) For other procurement, Navy, by
19 \$15,000,000.

20 (H) For procurement, Marine Corps, by
21 \$18,927,000.

22 (I) For aircraft procurement, Air Force, by
23 \$209,766,000.

24 (J) For ammunition procurement, Air
25 Force, by \$5,000,000.

1 (K) For other procurement, Air Force, by
2 \$576,895,000.

3 (L) For the Mine Resistant Ambush Pro-
4 tected Vehicle Fund, by \$1,123,000,000.

5 (M) For defense-wide activities, by
6 \$189,276,000.

7 (2) The amounts provided in section 1508 of
8 such Act for research, development, test, and evalua-
9 tion are increased as follows:

10 (A) For the Army, by \$61,962,000.

11 (B) For the Navy, by \$5,360,000.

12 (C) For the Air Force, by \$187,651,000.

13 (D) For defense-wide activities, by
14 \$22,138,000.

15 (3) The amounts provided in sections 1509,
16 1511, 1513, 1514, and 1515 of such Act for oper-
17 ation and maintenance are increased as follows:

18 (A) For the Army, by \$11,700,965,000.

19 (B) For the Navy, by \$2,428,702,000.

20 (C) For the Marine Corps, by
21 \$1,090,873,000.

22 (D) For the Air Force, by \$3,845,047,000.

23 (E) For defense-wide activities, by
24 \$1,188,421,000.

1 (F) For the Army Reserve, by
2 \$67,399,000.

3 (G) For the Navy Reserve, by
4 \$61,842,000.

5 (H) For the Marine Corps Reserve, by
6 \$674,000.

7 (I) For the Air Force Reserve, by
8 \$95,819,000.

9 (J) For the Army National Guard, by
10 \$171,834,000.

11 (K) For the Air National Guard, by
12 \$161,281,000.

13 (L) For the Defense Health Program, by
14 \$33,367,000.

15 (M) For Drug Interdiction and
16 Counterdrug Activities, Defense-wide, by
17 \$94,000,000.

18 (N) For the Afghanistan Security Forces
19 Fund, by \$2,604,000,000.

20 (O) For the Iraq Security Forces Fund, by
21 \$1,000,000,000.

22 (P) For Overseas Humanitarian, Disaster,
23 and Civic Aid, by \$255,000,000.

24 (Q) For Overseas Contingency Operations
25 Transfer Fund, by \$350,000,000.

1 (R) For Working Capital Funds, by
2 \$974,967,000.

3 (4) The amount provided in section 1512 of
4 such Act for military personnel accounts is increased
5 by \$1,895,761,000.

6 **SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.**

7 The budgetary effects of this Act, for the purpose of
8 complying with the Statutory Pay-As-You-Go Act of 2010,
9 shall be determined by reference to the latest statement
10 titled “Budgetary Effects of PAYGO Legislation” for this
11 Act, submitted for printing in the Congressional Record
12 by the Chairman of the Committee on the Budget of the
13 House of Representatives, as long as such statement has
14 been submitted prior to the vote on passage of this Act.

15 **Subtitle B—Counter-Drug**
16 **Activities**

17 **SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTER-**
18 **RORISM CAMPAIGN IN COLOMBIA.**

19 Section 1021 of the Ronald W. Reagan National De-
20 fense Authorization Act for Fiscal Year 2005 (Public Law
21 108–375; 118 Stat. 2042), as most recently amended by
22 section 1011 of the National Defense Authorization Act
23 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
24 2441), is further amended—

1 (1) in subsection (a), by striking “2010” and
2 inserting “2011”; and

3 (2) in subsection (c), by striking “2010” and
4 inserting “2011”.

5 **SEC. 1012. EXTENSION AND MODIFICATION OF JOINT TASK**
6 **FORCES SUPPORT TO LAW ENFORCEMENT**
7 **AGENCIES CONDUCTING COUNTER-TER-**
8 **RORISM ACTIVITIES.**

9 (a) EXTENSION.—Subsection (b) of section 1022 of
10 the National Defense Authorization Act for Fiscal Year
11 2004 (10 U.S.C. 371 note) is amended by striking “2010”
12 and inserting “2011”.

13 (b) AVAILABILITY OF AUTHORITY.—

14 (1) ADDITIONAL CONDITION ON AUTHORITY
15 FOR SUPPORT AND ASSOCIATED WAIVER AUTHORITY.—Subsection (d) of such section is amended—

17 (A) by inserting “(1)” before “Any sup-
18 port”; and

19 (B) by adding at the end the following new
20 paragraph:

21 “(2)(A) Support for counter-terrorism activities pro-
22 vided under subsection (a) may only be provided if the
23 Secretary of Defense determines that the objectives of
24 using the counter-drug funds of any joint task force to
25 provide such support relate significantly to the objectives

1 of providing support for counter-drug activities by that
2 joint task force or any other joint task force.

3 “(B) The Secretary of Defense may waive the re-
4 quirements of subparagraph (A) if the Secretary deter-
5 mines that such a waiver is vital to the national security
6 interests of the United States. The Secretary shall
7 promptly submit to Congress notice in writing of any waiv-
8 er issued under this subparagraph.

9 “(C) The Secretary of Defense may delegate any re-
10 sponsibility of the Secretary under subparagraph (B) to
11 the Deputy Secretary of Defense or to the Under Sec-
12 retary of Defense for Policy. Except as provided in the
13 preceding sentence, such a responsibility may not be dele-
14 gated to any official of the Department of Defense or any
15 other official.”.

16 (2) ANNUAL CERTIFICATION OF COMPLI-
17 ANCE.—Subsection (c) of such section is amended by
18 adding at the end the following new paragraph:

19 “(4) A certification by the Secretary of Defense
20 that any support provided under subsection (a) dur-
21 ing such one-year period was provided in compliance
22 with the requirements of subsection (d).”.

23 (3) INTERIM COMPLIANCE REPORT.—Not later
24 than 90 days after the date of the enactment of this

1 Act, the Secretary of Defense shall submit to Con-
2 gress a report setting forth—

3 (A) a description of each support activity
4 provided by a joint task force under subsection
5 (a) of section 1022 of the National Defense Au-
6 thorization Act for Fiscal Year 2004 (10 U.S.C.
7 371 note), as of the date of the submittal of
8 such report; and

9 (B) a certification as to whether or not
10 each such activity has been provided in compli-
11 ance with the requirements of subsection (d) of
12 such section, as amended by paragraph (1) of
13 this subsection.

14 **SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES**
15 **TO SUPPORT FOREIGN COUNTER-DRUG AC-**
16 **TIVITIES.**

17 Section 1022(a) of the Floyd D. Spence National De-
18 fense Authorization Act for Fiscal Year 2001 (as enacted
19 into law by Public Law 106–398; 114 Stat. 1654A–255),
20 as most recently amended by section 1013 of the National
21 Defense Authorization Act for Fiscal Year 2010 (Public
22 Law 111–84; 123 Stat. 2442), is further amended by
23 striking “February 15, 2010” and inserting “February
24 15, 2011”.

1 **SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF**
2 **CERTAIN FOREIGN GOVERNMENTS.**

3 (a) **IN GENERAL.**—Subsection (a)(2) of section 1033
4 of the National Defense Authorization Act for Fiscal Year
5 1998 (Public Law 105–85; 111 Stat. 1881), as most re-
6 cently amended by section 1014(a) of the National De-
7 fense Authorization Act for Fiscal Year 2010 (Public Law
8 111–84; 123 Stat. 2442), is further amended by striking
9 “2010” and inserting “2012”.

10 (b) **MAXIMUM AMOUNT OF SUPPORT.**—Subsection
11 (e)(2) of such section is amended by striking “either of
12 fiscal years 2009 and 2010” and inserting “any of the
13 fiscal years 2009 through 2012”.

14 **SEC. 1015. NOTICE TO CONGRESS ON MILITARY CONSTRUC-**
15 **TION PROJECTS FOR FACILITIES OF THE DE-**
16 **PARTMENT OF DEFENSE AND FOREIGN LAW**
17 **ENFORCEMENT AGENCIES FOR COUNTER-**
18 **DRUG ACTIVITIES.**

19 (a) **NOTICE TO CONGRESS.**—

20 (1) **NOTICE.**—Section 1004 of the National De-
21 fense Authorization Act for Fiscal Year 1991 (10
22 U.S.C. 374 note) is amended—

23 (A) in subsection (b)(4), by inserting “for
24 the purpose of facilitating” after “within or
25 outside the United States or”; and

26 (B) in subsection (h)(2)(A)—

1 (i) by striking “modification or re-
2 pair” and inserting “construction, modi-
3 fication, or repair”;

4 (ii) by striking “a Department of De-
5 fense facility” and inserting “any facility”;
6 and

7 (iii) by striking “purpose” and insert-
8 ing “purposes”.

9 (2) CONSTRUCTION OF NOTICE.—Subsection
10 (h) of such section is further amended by adding at
11 the end the following new paragraph:

12 “(3) This subsection may not be construed as an au-
13 thorization for the use of funds for any military construc-
14 tion project that would exceed the approved cost limita-
15 tions of an unspecified minor military construction project
16 under section 2805(a)(2) of title 10, United States
17 Code.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on the date of the enact-
20 ment of this Act, and shall apply with respect to facilities
21 projects for which a decision is made to be carried out
22 on or after that date.

1 **Subtitle C—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1021. EXTENSION OF AUTHORITY FOR REIMBURSE-**
4 **MENT OF EXPENSES FOR CERTAIN NAVY**
5 **MESS OPERATIONS.**

6 (a) EXTENSION.—Subsection (b) of section 1014 of
7 the Duncan Hunter National Defense Authorization Act
8 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
9 4585) is amended by striking “September 30, 2010” and
10 inserting “September 30, 2015”.

11 (b) CLARIFICATION OF SCOPE OF AUTHORITY.—Sub-
12 section (a) of such section is amended by inserting “in
13 any fiscal year” after “may be used”.

14 **SEC. 1022. EXPRESSING THE SENSE OF CONGRESS REGARD-**
15 **ING THE NAMING OF A NAVAL COMBAT VES-**
16 **SEL AFTER FATHER VINCENT CAPODANNO.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) Father Vincent Capodanno was born on
20 February 13, 1929, in Staten Island, New York.

21 (2) After attending Fordham University for a
22 year, he entered the Maryknoll Missionary Seminary
23 in upstate New York in 1949, and was ordained a
24 Catholic priest in June 1957.

1 (3) Father Capodanno's first assignment as a
2 missionary was working with aboriginal Taiwanese
3 people in the mountains of Taiwan where he served
4 in a parish and later in a school. After several years,
5 Father Capodanno returned to the United States for
6 leave and then was assigned to a Maryknoll school
7 in Hong Kong.

8 (4) Father Vincent Capodanno volunteered as a
9 Navy Chaplain and was commissioned a Lieutenant
10 in the Chaplain Corps of the United States Naval
11 Reserve in December 28, 1965.

12 (5) Father Vincent Capodanno selflessly ex-
13 tended his combat tour in Vietnam on the condition
14 he was allowed to remain with the infantry.

15 (6) On September 4, 1967, during a fierce bat-
16 tle in the Thang Binh District of the Que-Son Valley
17 in Vietnam, Father Capodanno went among the
18 wounded and dying, giving last rites and caring for
19 the injured. He was killed that day while taking care
20 of his Marines.

21 (7) On January 7, 1969, Father Vincent
22 Capodanno was awarded the Medal of Honor post-
23 humously for comforting the wounded and dying
24 during the Vietnam conflict. For his dedicated serv-
25 ice, Father Capodanno was also awarded the Bronze

1 Star, the Purple Heart, the Presidential Unit Cita-
2 tion, the National Defense Service Medal, the Viet-
3 nam Service Medal, the Vietnam Gallantry Cross
4 with Palm, and the Vietnam Campaign Medal.

5 (8) In his memory, the U.S.S. Capodanno was
6 commissioned on September 17, 1973. It is the only
7 Naval vessel to date to have received a Papal bless-
8 ing by Pope John Paul II in Naples, Italy, on Sep-
9 tember 4, 1981.

10 (9) The U.S.S. Capodanno was decommissioned
11 on July 30, 1993.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Secretary of the Navy should name a com-
14 bat vessel of the United States Navy the “U.S.S. Father
15 Vincent Capodanno”, in honor of Father Vincent
16 Capodanno, a lieutenant in the Navy Chaplain Corps.

17 **SEC. 1023. REQUIREMENTS FOR LONG-RANGE PLAN FOR**
18 **CONSTRUCTION OF NAVAL VESSELS.**

19 (a) IN GENERAL.—Section 231 of title 10, United
20 States Code, is amended to read as follows:

21 **“§ 231. Long-range plan for construction of naval ves-**
22 **sels**

23 **“(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION**
24 **PLAN.—**At the same time that the budget of the President
25 is submitted under section 1105(a) of title 31 during each

1 year in which the Secretary of Defense submits a quadren-
2 nial defense review, the Secretary of the Navy shall submit
3 to the congressional defense committees a long-range plan
4 for the construction of combatant and support vessels for
5 the Navy that supports the force structure recommenda-
6 tions of the quadrennial defense review.

7 “(b) MATTERS INCLUDED.—The plan under sub-
8 section (a) shall include the following:

9 “(1) A detailed construction schedule of naval
10 vessels for the 10-year period beginning on the date
11 on which the plan is submitted, including a certifi-
12 cation by the Secretary that the budget for the fiscal
13 year in which the plan is submitted and the budget
14 for the future-years defense program submitted
15 under section 221 of this title are sufficient for
16 funding such schedule.

17 “(2) A probable construction schedule for the
18 10-year period beginning on the date that is 10
19 years after the date on which the plan is submitted.

20 “(3) A notional construction schedule for the
21 10-year period beginning on the date that is 20
22 years after the date on which the plan is submitted.

23 “(4) The estimated levels of annual funding
24 necessary to carry out the construction schedules
25 under paragraphs (1), (2), and (3).

1 “(5) For the construction schedules under para-
2 graphs (1) and (2)—

3 “(A) a determination by the Director of
4 Cost Assessment and Program Evaluation of
5 the level of funding necessary to execute such
6 schedules; and

7 “(B) an evaluation by the Director of the
8 potential risk associated with such schedules,
9 including detailed effects on operational plans,
10 missions, deployment schedules, and fulfillment
11 of the requirements of the combatant com-
12 manders.

13 “(c) NAVAL COMPOSITION.—In submitting the plan
14 under subsection (a), the Secretary shall ensure that such
15 plan is in accordance with section 5062(b) of this title.

16 “(d) ASSESSMENT WHEN BUDGET IS INSUFFI-
17 CIENT.—If the budget for a fiscal year provides for fund-
18 ing of the construction of naval vessels at a level that is
19 less than the level determined necessary by the Director
20 of Cost Assessment and Program Evaluation under sub-
21 section (b)(5), the Secretary of the Navy shall include with
22 the defense budget materials for that fiscal year an assess-
23 ment that describes and discusses the risks associated
24 with the budget, including the risk associated with a re-

1 duced force structure that may result from funding naval
2 vessel construction at such a level.

3 “(e) CBO EVALUATION.—Not later than 60 days
4 after the date on which the congressional defense commit-
5 tees receive the plan under subsection (a), the Director
6 of the Congressional Budget Office shall submit to such
7 committees a report assessing the sufficiency of the esti-
8 mated levels of annual funding included in such plan with
9 respect to the budget submitted during the year in which
10 the plan is submitted and the future-years defense pro-
11 gram submitted under section 221 of this title.

12 “(f) CHANGES TO THE CONSTRUCTION PLAN.—In
13 any year in which a quadrennial defense review is not sub-
14 mitted and the budget of the President submitted under
15 section 1105(a) of title 31 decreases the number of vessels
16 requested in the future-years defense program submitted
17 under section 221 of this title, the Secretary of the Navy
18 shall submit to the congressional defense committees a re-
19 port on such decrease including—

20 “(1) an addendum to the most recent quadren-
21 nial defense review that fully explains and justifies
22 the decrease with respect to the national security
23 strategy of the United States as set forth in the
24 most recent national security strategy report of the

1 President under section 108 of the National Security
2 Act of 1947 (50 U.S.C. 404a); and

3 “(2) a description of the additional reviews and
4 analyses considered by the Secretary after the pre-
5 vious quadrennial defense review was submitted that
6 justify the decrease.

7 “(g) DEFINITIONS.—In this section:

8 “(1) The term ‘budget’, with respect to a fiscal
9 year, means the budget for that fiscal year that is
10 submitted to Congress by the President under sec-
11 tion 1105(a) of title 31.

12 “(2) The term ‘defense budget materials’, with
13 respect to a fiscal year, means the materials sub-
14 mitted to Congress by the Secretary of Defense in
15 support of the budget for that fiscal year.

16 “(3) The term ‘quadrennial defense review’
17 means the review of the defense programs and poli-
18 cies of the United States that is carried out every
19 four years under section 118 of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 9 of such title is amended by
22 striking the item relating to section 231 and inserting the
23 following new item:

“231. Long-range plan for construction of naval vessels.”.

1 **Subtitle D—Counterterrorism**

2 **SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAK-**
3 **ING REWARDS FOR COMBATING TERRORISM.**

4 Section 127b(c)(3)(C) of title 10, United States
5 Code, is amended by striking “2010” and inserting
6 “2011”.

7 **SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE**
8 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**
9 **TAINED AT UNITED STATES NAVAL STATION,**
10 **GUANTANAMO BAY, CUBA.**

11 None of the funds authorized to be appropriated by
12 this Act for fiscal year 2011 may be used to transfer, re-
13 lease, or assist in the transfer or release to or within the
14 United States, its territories, or possessions of Khalid
15 Sheikh Mohammed or any other detainee who—

16 (1) is not a United States citizen or a member
17 of the Armed Forces of the United States; and

18 (2) is or was held on or after January 20,
19 2009, at United States Naval Station, Guantanamo
20 Bay, Cuba, by the Department of Defense.

1 **SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO**
2 **THE TRANSFER OF INDIVIDUALS DETAINED**
3 **AT NAVAL STATION, GUANTANAMO BAY,**
4 **CUBA, TO FOREIGN COUNTRIES AND OTHER**
5 **FOREIGN ENTITIES.**

6 (a) LIMITATION.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), during the one-year period beginning on
9 the date of the enactment of this Act, the Secretary
10 of Defense may not use any of the amounts author-
11 ized to be appropriated by this Act or otherwise
12 available to the Department of Defense to transfer
13 any individual detained at Guantanamo to the cus-
14 tody or effective control of the individual's country
15 of origin, any other foreign country, or any other
16 foreign entity unless the Secretary submits to Con-
17 gress the certification described in subsection (b) by
18 not later than 30 days before the transfer of the in-
19 dividual.

20 (2) EXCEPTION.—Paragraph (1) shall not
21 apply to any action taken by the Secretary to trans-
22 fer any individual detained at Guantanamo to effec-
23 tuate an order affecting the disposition of the indi-
24 vidual that is issued by a court or competent tri-
25 bunal of the United States having lawful jurisdic-

1 tion. The Secretary shall notify Congress promptly
2 upon issuance of any such order.

3 (b) CERTIFICATION.—The certification described in
4 this subsection is a written certification made by the Sec-
5 retary of Defense, with the concurrence of the Secretary
6 of State, that the government of the foreign country or
7 the recognized leadership of the foreign entity to which
8 the individual detained at Guantanamo is to be trans-
9 ferred—

10 (1) is not a designated state sponsor of ter-
11 rorism or a designated foreign terrorist organization;

12 (2) maintains effective control over each deten-
13 tion facility in which an individual is to be detained
14 if the individual is to be housed in a detention facil-
15 ity;

16 (3) is not, as of the date of the certification,
17 facing a threat that is likely to substantially affect
18 its ability to exercise control over the individual;

19 (4) has agreed to take effective steps to ensure
20 that the individual cannot take action to threaten
21 the United States, its citizens, or its allies in the fu-
22 ture;

23 (5) has taken such steps as the Secretary deter-
24 mines are necessary to ensure that the individual

1 cannot engage or re-engage in any terrorist activity;
2 and

3 (6) has agreed to share any information with
4 the United States that—

5 (A) is related to the individual or any asso-
6 ciates of the individual; and

7 (B) could affect the security of the United
8 States, its citizens, or its allies.

9 (c) PROHIBITION AND WAIVER IN CASES OF PRIOR
10 CONFIRMED RECIDIVISM.—

11 (1) PROHIBITION.—Except as provided in para-
12 graph (3), during the one-year period beginning on
13 the date of the enactment of this Act, the Secretary
14 of Defense may not use any amount authorized to
15 be appropriated or otherwise made available to the
16 Department of Defense to transfer any individual
17 detained at Guantanamo to the custody or effective
18 control of the individual's country of origin, any
19 other foreign country, or any other foreign entity if
20 there is a confirmed case of any individual who was
21 detained at United States Naval Station, Guanta-
22 namo Bay, Cuba, at any time after September 11,
23 2001, who was transferred to the foreign country or
24 entity and subsequently engaged in any terrorist ac-
25 tivity.

1 (2) WAIVER.—The Secretary of Defense may
2 waive the prohibition in paragraph (1) if the Sec-
3 retary determines that such a transfer is in the na-
4 tional security interests of the United States and in-
5 cludes, as part of the certification described in sub-
6 section (b) relating to such transfer, the determina-
7 tion of the Secretary under this paragraph.

8 (3) EXCEPTION.—Paragraph (1) shall not
9 apply to any action taken by the Secretary to trans-
10 fer any individual detained at Guantanamo to effec-
11 tuate an order affecting the disposition of the indi-
12 vidual that is issued by a court or competent tri-
13 bunal of the United States having lawful jurisdic-
14 tion. The Secretary shall notify Congress promptly
15 upon issuance of any such order.

16 (d) DEFINITIONS.—For the purposes of this section:

17 (1) The term “individual detained at Guanta-
18 namo” means any individual who is located at
19 United States Naval Station, Guantanamo Bay,
20 Cuba, as of October 1, 2009, who—

21 (A) is not a citizen of the United States or
22 a member of the Armed Forces of the United
23 States; and

24 (B) is—

1 (i) in the custody or under the effective control of the Department of Defense;

2 or

3
4 (ii) otherwise under detention at
5 United States Naval Station, Guantanamo
6 Bay, Cuba.

7 (2) The term “foreign terrorist organization”
8 means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

11 **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.**

12
13
14
15
16 (a) IN GENERAL.—None of the funds authorized to
17 be appropriated by this Act may be used to construct or
18 modify any facility in the United States, its territories,
19 or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment
20 in the custody or under the effective control of the Department of Defense.

21
22
23 (b) EXCEPTION.—The prohibition in subsection (a)
24 shall not apply to any modification of facilities at United
25 States Naval Station, Guantanamo Bay, Cuba.

1 (c) INDIVIDUALS DESCRIBED.—An individual de-
2 scribed in this subsection is any individual who, as of Oc-
3 tober 1, 2009, is located at United States Naval Station,
4 Guantanamo Bay, Cuba, and who—

5 (1) is not a citizen of the United States or a
6 member of the Armed Forces of the United States;
7 and

8 (2) is—

9 (A) in the custody or under the effective
10 control of the Department of Defense; or

11 (B) otherwise under detention at United
12 States Naval Station, Guantanamo Bay, Cuba.

13 (d) REPORT ON USE OF FACILITIES IN THE UNITED
14 STATES TO HOUSE DETAINEES TRANSFERRED FROM
15 GUANTANAMO.—

16 (1) REPORT REQUIRED.—Not later than April
17 1, 2011, the Secretary of Defense shall submit to
18 the congressional defense committees a report, in
19 classified or unclassified form, on the merits, costs,
20 and risks of using any proposed facility in the
21 United States, its territories, or possessions to house
22 any individual described in subsection (c) for the
23 purposes of detention or imprisonment in the cus-
24 tody or under the effective control of the Depart-
25 ment of Defense.

1 (2) ELEMENTS OF THE REPORT.—The report
2 required in paragraph (1) shall include each of the
3 following:

4 (A) A discussion of the merits associated
5 with any such proposed facility that would jus-
6 tify—

7 (i) using the facility instead of the fa-
8 cility at United States Naval Station,
9 Guantanamo Bay, Cuba; and

10 (ii) the proposed facility's contribution
11 to effecting a comprehensive policy for con-
12 tinuing military detention operations.

13 (B) The rationale for selecting the specific
14 site for any such proposed facility, including de-
15 tails for the processes and criteria used for
16 identifying the merits described in subpara-
17 graph (A) and for selecting the proposed site
18 over reasonable alternative sites.

19 (C) A discussion of any potential risks to
20 any community in the vicinity of any such pro-
21 posed facility, the measures that could be taken
22 to mitigate such risks, and the likely cost to the
23 Department of Defense of implementing such
24 measures.

1 (D) A discussion of any necessary modi-
2 fications to any such proposed facility to ensure
3 that any detainee transferred from Guantanamo
4 Bay to such facility could not come into contact
5 with any other individual, including any other
6 person detained at such facility, that is not ap-
7 proved for such contact by the Department of
8 Defense, and an assessment of the likely costs
9 of such modifications.

10 (E) A discussion of any support at the site
11 of any such proposed facility that would likely
12 be provided by the Department of Defense, in-
13 cluding the types of support, the number of per-
14 sonnel required for each such type, and an esti-
15 mate of the cost of such support.

16 (F) A discussion of any support, other
17 than support provided at a proposed facility,
18 that would likely be provided by the Depart-
19 ment of Defense for the operation of any such
20 proposed facility, including the types of possible
21 support, the number of personnel required for
22 each such type, and an estimate of the cost of
23 such support.

24 (G) A discussion of the legal issues, in the
25 judgment of the Secretary of Defense, that

1 could be raised as a result of detaining or im-
2 prisoning any individual described in subsection
3 (c) at any such proposed facility that could not
4 be raised while such individual is detained or
5 imprisoned at United States Naval Station,
6 Guantanamo Bay, Cuba.

7 **SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTEC-**
8 **TION POLICIES.**

9 (a) **COMPREHENSIVE REVIEW REQUIRED.**—The Sec-
10 retary of Defense shall conduct a comprehensive review
11 of Department of Defense policies, regulations, instruc-
12 tions, and directives pertaining to force protection within
13 the Department.

14 (b) **MATTERS COVERED.**—The review required under
15 subsection (a) shall include an assessment of each of the
16 following:

17 (1) Information sharing practices across the
18 Department of Defense, and among the State, local,
19 and Federal partners of the Department of Defense.

20 (2) Antiterrorism and force protection stand-
21 ards relating to buildings, including standoff dis-
22 tances.

23 (3) Protective standards relating to chemical,
24 biological, radiological, nuclear, and high explosives
25 threats.

1 (4) Standards relating to access to Department
2 bases.

3 (5) Standards for identity management within
4 the Department, including such standards for iden-
5 tity cards and biometric identifications systems.

6 (6) Procedures for validating and approving in-
7 dividuals with regular or episodic access to military
8 installations, including military personnel, civilian
9 employees, contractors, family members of per-
10 sonnel, and other types of visitors.

11 (7) Procedures for sharing with appropriate De-
12 partment of Defense officials with responsibility for
13 force protection—

14 (A) information from the intelligence or
15 law enforcement community regarding possible
16 threats from terrorists or terrorist groups,
17 criminal organizations, or other state and non-
18 state foreign entities actively working to under-
19 mine the security interests of the United States;
20 and

21 (B) information regarding personnel who
22 have engaged in potentially suspicious activities
23 or may otherwise pose a threat.

1 or High-Yield Explosive Consequence Management Re-
2 sponse Force established as of October 1, 2009, is deacti-
3 vated or disestablished until the Secretary provides a cer-
4 tification described in subsection (b).

5 (b) CERTIFICATION.—The certification described in
6 this subsection is a written certification to the congres-
7 sional defense committees that there exists within the
8 United States Armed Forces an alternative chemical, bio-
9 logical, radiological, nuclear, or high-yield explosive con-
10 sequence management response capability that is at least
11 as capable as two Chemical, Biological, Radiological, Nu-
12 clear, or High-Yield Explosive Consequence Management
13 Response Forces.

14 (c) REPORT REQUIRED.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of the enactment of this Act, the Secretary
17 shall submit to the congressional defense committees
18 a report on plans of the Department of Defense to
19 establish Homeland Response Forces for domestic
20 emergency response to incidents involving weapons
21 of mass destruction.

22 (2) ELEMENTS OF REPORT.—The report re-
23 quired by this subsection shall include the following:

24 (A) A detailed description of the analysis
25 that led to the decision to establish Homeland

1 Response Forces described in paragraph (1), in-
2 cluding—

3 (i) whether consideration was given to
4 establishing Homeland Response Forces
5 within the Reserves; and

6 (ii) the reasons for not planning to es-
7 tablish any Homeland Response Forces
8 within the Reserves.

9 (B) A detailed description of the plans to
10 establish Homeland Response Forces, includ-
11 ing—

12 (i) the cost and schedule to establish,
13 equip, maintain, and operate the proposed
14 Homeland Response Forces;

15 (ii) guidelines for the employment of
16 Homeland Response Forces; and

17 (iii) the portion of the costs of Home-
18 land Response Forces that will be borne by
19 the States.

20 (C) A detailed description of the proposed
21 number and composition of Homeland Response
22 Forces, including—

23 (i) the number and type of units in
24 each Homeland Response Force; and

1 (ii) the number of personnel in each
2 Homeland Response Force.

3 (D) A comparative assessment of the emer-
4 gency response capabilities of a Homeland Re-
5 sponse Force with the capabilities of a Chem-
6 ical, Biological, Radiological, Nuclear, or High-
7 Yield Explosive Consequence Management Re-
8 sponse Force, including—

9 (i) a comparison of the equipment
10 proposed for each type of force;

11 (ii) a comparison of the proposed
12 means of transportation for each type of
13 force;

14 (iii) an estimate of the time it would
15 take each type of force to deploy to an in-
16 cident site; and

17 (iv) an estimate of the operational du-
18 ration of each type of force at such a site.

19 (E) A description of the command and
20 control arrangements proposed for the Home-
21 land Response Forces, including a description
22 of the degree to which the Homeland Response
23 Forces would be subject to the direction and
24 control of the Department of Defense, as com-

1 pared to the Governor of the State in which
2 they are located.

3 (F) The results of the United States
4 Northern Command study of the possible con-
5 cepts of operations and of the implementation
6 of the Homeland Response Force plan in such
7 a manner as to provide adequate capability to
8 provide Federal defense support to civil authori-
9 ties during domestic incidents involving weap-
10 ons of mass destruction.

11 (G) Any other matters the Secretary con-
12 siders appropriate.

13 (3) FORM OF REPORT.—The report required by
14 this subsection shall be in unclassified form, but
15 may include a classified annex.

16 **Subtitle F—Studies and Reports**

17 **SEC. 1051. INTERAGENCY NATIONAL SECURITY KNOWL-** 18 **EDGE AND SKILLS.**

19 (a) STUDY REQUIRED.—

20 (1) SELECTION OF INDEPENDENT STUDY ORGA-
21 NIZATION.—Not later than 60 days after the date of
22 the enactment of this Act, the Secretary of Defense
23 shall select and enter into an agreement with an ap-
24 propriate independent, nonprofit organization to

1 conduct a study of the matters described in sub-
2 section (b).

3 (2) QUALIFICATIONS OF ORGANIZATION SE-
4 LECTED.—The organization selected shall be quali-
5 fied on the basis of having relevant expertise in the
6 fields of national security and human capital devel-
7 opment, and on the basis of such other criteria as
8 the Secretary of Defense may determine.

9 (b) MATTERS TO BE COVERED.—The study required
10 by subsection (a) shall assess the current state of inter-
11 agency national security knowledge and skills in Depart-
12 ment of Defense civilian and military personnel, and make
13 recommendations for strengthening such knowledge and
14 skills. At minimum, the study shall include assessments
15 and recommendations on—

16 (1) interagency national security training, edu-
17 cation, and rotational assignment opportunities
18 available to civilians and military personnel;

19 (2) integration of interagency national security
20 education into the professional military education
21 system;

22 (3) levels of interagency national security
23 knowledge and skills possessed by personnel cur-
24 rently serving in civilian executive and general or
25 flag officer positions, as represented by the inter-

1 agency education, training, and professional experi-
2 ences they have undertaken;

3 (4) incentives that enable and encourage mili-
4 tary and civilian personnel to undertake interagency
5 assignment, education, and training opportunities,
6 as well as disincentives and obstacles that discourage
7 undertaking such opportunities; and

8 (5) any plans or current efforts to improve the
9 interagency national security knowledge and skills of
10 civilian and military personnel.

11 (c) REPORT.—Not later than December 1, 2011, the
12 Secretary of Defense shall submit to the congressional de-
13 fense committees a report containing the findings and rec-
14 ommendations from the study required by subsection (a).

15 (d) DEFINITION.—In this section, the term “inter-
16 agency national security knowledge and skills” means an
17 understanding of, and the ability to efficiently and expedi-
18 tiously work within, the structures, mechanisms, and proc-
19 esses by which the departments, agencies, and elements
20 of the Federal Government that have national security
21 missions coordinate and integrate their policies, capabili-
22 ties, budgets, expertise, and activities to accomplish such
23 missions.

1 **SEC. 1052. REPORT ON ESTABLISHING A NORTHEAST RE-**
2 **GIONAL JOINT TRAINING CENTER.**

3 (a) REPORT REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to the congressional defense com-
6 mittees a report on the need for the establishment of a
7 Northeast Regional Joint Training Center.

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

10 (1) A list of facilities in the Northeastern
11 United States at which, as of the date of the enact-
12 ment of this Act, the Department of Defense has de-
13 ployed or has committed to deploying joint training.

14 (2) A description of the extent to which such
15 facilities have sufficient unused capacity and exper-
16 tise to accommodate and fully utilize joint training.

17 (3) A list of potential locations for the North-
18 east Regional Joint Training Center discussed in the
19 report.

20 (c) CONSIDERATIONS WITH RESPECT TO LOCA-
21 TION.—In determining potential locations for the North-
22 east Regional Joint Training Center to be discussed in the
23 report required under subsection (a), the Secretary of De-
24 fense shall take into consideration Department of Defense
25 facilities that have—

26 (1) a workforce of skilled personnel;

1 (2) live, virtual, and constructive training capa-
2 bilities, and the ability to digitally connect them and
3 the associated battle command structure at the tac-
4 tical and operational levels;

5 (3) an extensive deployment history in Oper-
6 ation Enduring Freedom and Operation Iraqi Free-
7 dom;

8 (4) a location in the Northeastern United
9 States;

10 (5) the capacity or potential capacity to accom-
11 modate a target training audience range of 500 to
12 4,000 additional personnel; and

13 (6) the capability to accommodate the training
14 of current and future joint forces.

15 **SEC. 1053. COMPTROLLER GENERAL REPORT ON PRE-**
16 **VIOUSLY REQUESTED REPORTS.**

17 (a) **REPORT REQUIRED.**—Not later than March 1,
18 2011, the Comptroller General of the United States shall
19 submit to the Committee on Armed Services of the Senate
20 and the Committee on Armed Services of the House of
21 Representatives a report evaluating the sufficiency, ade-
22 quacy, and conclusions of the following reports:

23 (1) The report on Air Force fighter force short-
24 falls, as required by the report of the House of Rep-
25 resentatives numbered 111–166, which accompanied

1 the National Defense Authorization Act for Fiscal
2 Year 2010 (Public Law 111–84).

3 (2) The report on procurement of 4.5 genera-
4 tion fighters, as required by section 131 of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 2010 (Public Law 111–84; 123 Stat. 2218).

7 (3) The report on combat air forces restruc-
8 turing, as required by the report of the House of
9 Representatives numbered 111–288, which accom-
10 panied the conference report for the National De-
11 fense Authorization Act for Fiscal Year 2010 (Pub-
12 lic Law 111–84).

13 (b) MATTERS COVERED BY REPORT.—The report re-
14 quired by subsection (a) shall examine the potential costs
15 and benefits of each of the following:

16 (1) The service life extension program costs to
17 sustain the legacy fighter fleet to meet inventory re-
18 quirements with an emphasis on the service life ex-
19 tension program compared to other options such as
20 procurement of 4.5 generation fighters.

21 (2) The Falcon Structural Augmentation Road-
22 map of F–16s, with emphasis on the cost-benefit of
23 such effort and the effect of such efforts on the serv-
24 ice life of the airframes.

1 (3) Any additional programs designed to extend
2 the service life of legacy fighter aircraft.

3 (c) PROHIBITION.—No fighter aircraft may be retired
4 from the Air Force or the Air National Guard inventory
5 in fiscal year 2011 until the date that is 90 days after
6 the date on which the Committee on Armed Services of
7 the Senate and the Committee on Armed Services of the
8 House of Representatives receive the report required
9 under subsection (a).

10 **SEC. 1054. BIENNIAL REPORT ON NUCLEAR TRIAD.**

11 (a) REPORT.—Not later than March 1 of each even-
12 numbered year, beginning March 1, 2012, the Secretary
13 of Defense, in consultation with the Administrator for Nu-
14 clear Security, shall submit to the congressional defense
15 committees a report on the nuclear triad.

16 (b) MATTERS INCLUDED.—The report under sub-
17 section (a) shall include the following:

18 (1) A detailed discussion of the modernization
19 and sustainment plans for each component of the
20 nuclear triad over the 10-year period beginning on
21 the date of the report.

22 (2) The funding required for each platform of
23 the nuclear triad with respect to operation and
24 maintenance, modernization, and replacement.

1 (3) Any industrial capacities that the Secretary
2 considers vital to ensure the viability of the nuclear
3 triad.

4 (c) NUCLEAR TRIAD DEFINED.—In this section, the
5 term “nuclear triad” means the nuclear deterrent capabili-
6 ties of the United States composed of ballistic missile sub-
7 marines, land-based missiles, and strategic bombers.

8 **SEC. 1055. COMPTROLLER GENERAL STUDY ON COMMON**
9 **ALIGNMENT OF WORLD REGIONS IN DEPART-**
10 **MENTS AND AGENCIES WITH INTER-**
11 **NATIONAL RESPONSIBILITIES.**

12 (a) STUDY REQUIRED.—The Comptroller General of
13 the United States shall conduct a study to assess the need
14 for and implications of a common alignment of world re-
15 gions in the internal organization of departments and
16 agencies of the Federal Government with international re-
17 sponsibilities.

18 (b) DEPARTMENTS AND AGENCIES.—The following
19 departments and agencies, at a minimum, shall be in-
20 cluded in the study:

- 21 (1) The Department of State.
- 22 (2) The Department of the Treasury.
- 23 (3) The Department of Defense.
- 24 (4) The Department of Justice.
- 25 (5) The Department of Commerce.

1 (6) The Department of Homeland Security.

2 (7) The United States Agency for International
3 Development.

4 (8) The agencies comprising the intelligence
5 community.

6 (9) Such other departments, agencies, and Fed-
7 eral organizations with significant international re-
8 sponsibilities as the Comptroller General considers
9 appropriate.

10 (c) COOPERATION AND ACCESS.—The heads of the
11 departments and agencies included in the study shall pro-
12 vide full cooperation with, and access to appropriate infor-
13 mation on organizational structures to, the Comptroller
14 General for the purposes of conducting the study.

15 (d) MATTERS COVERED.—The study required under
16 subsection (a) shall, at a minimum, assess—

17 (1) problems and inefficiencies resulting from
18 lack of a common alignment, including impediments
19 to interagency collaboration;

20 (2) obstacles to implementing a common align-
21 ment;

22 (3) advantages and disadvantages of a common
23 alignment; and

24 (4) measures taken to address challenges asso-
25 ciated with the lack of a common alignment.

1 (e) REPORT.—The Comptroller General shall submit
2 to Congress a report on the study required under sub-
3 section (a) not later than 180 days after the date of the
4 enactment of this Act.

5 **SEC. 1056. REQUIRED REPORTS CONCERNING BOMBER**
6 **MODERNIZATION, SUSTAINMENT, AND RE-**
7 **CAPITALIZATION EFFORTS IN SUPPORT OF**
8 **THE NATIONAL DEFENSE STRATEGY.**

9 (a) AIR FORCE REPORT.—

10 (1) REPORT REQUIRED.—Not later than 360
11 days after the date of the enactment of this Act, the
12 Secretary of the Air Force shall submit to the con-
13 gressional defense committees a report that in-
14 cludes—

15 (A) a discussion of the cost, schedule, and
16 performance of all planned efforts to modernize
17 and keep viable the existing B-1, B-2, and B-
18 52 bomber fleets and a discussion of the fore-
19 casted service-life and all sustainment chal-
20 lenges that the Secretary of the Air Force may
21 confront in keeping those platforms viable until
22 the anticipated retirement of such aircraft;

23 (B) a discussion, presented in a compari-
24 son and contrast type format, of the scope of
25 the 2007 Next-Generation Long Range Strike

1 Analysis of Alternatives guidance and subse-
2 quent Analysis of Alternatives report tasked by
3 the Under Secretary of Defense for Acquisition,
4 Technology, and Logistics in the September 11,
5 2006, Acquisition Decision Memorandum, as
6 compared to the scope and directed guidance of
7 the year 2010 Long Range Strike Study effort
8 currently being conducted by the Under Sec-
9 retary of Defense for Policy and the Office of
10 the Secretary of Defense's Cost Assessment and
11 Program Evaluation Office; and

12 (C) a discussion of the preliminary costs,
13 any development, testing, fielding and oper-
14 ational employment challenges, capability gaps,
15 limitations, and shortfalls of the Secretary of
16 Defense's plan to field a long-range, pene-
17 trating, survivable, persistent and enduring
18 "family of systems" as compared to the prelimi-
19 nary costs, any development, testing, fielding,
20 and operational employment of a singular plat-
21 form that encompasses all the required afore-
22 mentioned characteristics.

23 (2) PREPARATION OF REPORT.—The report
24 under paragraph (1) shall be prepared by a federally
25 funded research and development center selected by

1 the Secretary of the Air Force and submitted to the
2 Secretary for submittal by the Secretary in accord-
3 ance with that paragraph.

4 (b) **COST ANALYSIS AND PROGRAM EVALUATION RE-**
5 **PORT.**—Not later than 180 days after the date of the en-
6 actment of this Act, the Director of the Cost Analysis and
7 Program Evaluation of the Office of the Secretary of De-
8 fense shall submit to the congressional defense committees
9 a report that includes—

10 (1) the assumptions and estimated life-cycle
11 costs of the Department’s long-range, penetrating,
12 survivable, persistent, and enduring “family of sys-
13 tems” platforms; and

14 (2) the assumptions and estimated life-cycle
15 costs of the Next Generation Platform program, as
16 planned, prior to the cancellation of the program on
17 April 6, 2009.

18 **SEC. 1057. COMPTROLLER GENERAL STUDY AND REC-**
19 **COMMENDATIONS REGARDING SECURITY OF**
20 **SOUTHERN LAND BORDER OF THE UNITED**
21 **STATES.**

22 (a) **STUDY AND REPORT REQUIRED.**—The Comp-
23 troller General of the United States shall conduct a study
24 of the security of the southern land border of the United
25 States and ongoing United States Government efforts to

1 improve such security. Not later than 180 days after the
2 date of the enactment of this Act, the Comptroller General
3 shall submit to the Committees on Armed Services of the
4 Senate and the House of Representatives a report con-
5 taining the findings of the study and such recommenda-
6 tions based on such findings as the Comptroller General
7 considers to be appropriate.

8 (b) ISSUES ADDRESSED.—The study and report re-
9 quired by subsection (a) shall address, at a minimum, the
10 following issues:

11 (1) The extent to which the United States has
12 or has not achieved and maintained operational con-
13 trol over the southern land border of the United
14 States, as defined in section 2(b) of the Secure
15 Fence Act of 2006 (Public Law 109–367; 8 U.S.C.
16 1701 note).

17 (2) The extent to which any lack of operational
18 control over the southern land border of the United
19 States has resulted in the operation of illicit net-
20 works trafficking in people, drugs, illegal weapons
21 and money, violence associated with such illegal ac-
22 tivities, and other impacts adverse to the interests of
23 the United States.

24 (3) The costs and benefits of steps, including
25 but not limited to the steps identified in subsection

1 (c), that could be taken by elements of the United
2 States Government to achieve operational control
3 over the southern land border of the United States.

4 (4) The costs and benefits of an increased role
5 for the Department of Defense in taking any such
6 steps.

7 (5) The adequacy of current information shar-
8 ing agreements and other related agreements be-
9 tween Federal, State, local, and tribal law enforce-
10 ment authorities with regard to the security of the
11 southern land border of the United States.

12 (6) The impact of any increased deployment of
13 unmanned aerial systems or unmanned aircraft on
14 the use and availability of the National Airspace in
15 the area of the southern land border of the United
16 States.

17 (c) SPECIFIC STEPS TO BE CONSIDERED.—The steps
18 to be considered by the Comptroller General pursuant to
19 paragraphs (3) and (4) of subsection (b) shall include the
20 following:

21 (1) The deployment of additional units or mem-
22 bers of the National Guard or other Department of
23 Defense personnel to the southern land border of the
24 United States.

1 (2) The commitment of additional border patrol
2 agents or other civilian law enforcement personnel to
3 the southern land border of the United States.

4 (3) The construction of additional fencing, in-
5 cluding double-layer and triple-layer fencing.

6 (4) The increased use of ground-based mobile
7 surveillance systems by military or civilian personnel.

8 (5) The deployment of additional unmanned
9 aerial systems and manned aircraft to provide sur-
10 veillance of the southern land border of the United
11 States.

12 (6) The deployment and provision of capability
13 for radio communications interoperability between
14 U.S. Customs and Border Protection and State,
15 local, and tribal law enforcement agencies.

16 (7) The construction of checkpoints along the
17 southern land border of the United States.

18 (8) The use of additional mobile patrols by mili-
19 tary or civilian personnel, particularly in rural, high-
20 trafficked areas, as designated by the Commissioner
21 of Customs and Border Protection.

1 **Subtitle G—Miscellaneous**
2 **Authorities and Limitations**

3 **SEC. 1061. PUBLIC AVAILABILITY OF DEPARTMENT OF DE-**
4 **FENSE REPORTS REQUIRED BY LAW.**

5 (a) PUBLIC AVAILABILITY.—

6 (1) IN GENERAL.—Chapter 3 of title 10, United
7 States Code, is amended by inserting after section
8 122 the following new section:

9 **“§ 122a. Public availability of Department of Defense**
10 **reports required by law**

11 “(a) IN GENERAL.—The Secretary of Defense shall
12 ensure that each report described in subsection (b) is
13 made available to the public, upon request submitted on
14 or after the date on which such report is submitted to Con-
15 gress, through the Office of the Assistant Secretary of De-
16 fense for Public Affairs.

17 “(b) COVERED REPORTS.—(1) Except as provided in
18 paragraph (2), a report described in this subsection is any
19 report that is required by law to be submitted to Congress
20 by the Secretary of Defense, or by any element of the De-
21 partment of Defense.

22 “(2) A report otherwise described in paragraph (1)
23 is not a report described in this subsection if the report
24 contains—

25 “(A) classified information;

1 “(B) proprietary information;

2 “(C) information that is exempt from disclosure
3 under section 552 of title 5 (commonly referred to
4 as the ‘Freedom of Information Act’); or

5 “(D) any other type of information that the
6 Secretary of Defense determines should not be made
7 available to the public in the interest of national se-
8 curity.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 3 of such title is
11 amended by inserting after the item relating to sec-
12 tion 122 the following new item:

“122a. Public availability of Department of Defense reports required by law.”.

13 (b) EFFECTIVE DATE.—Section 122a of title 10,
14 United States Code (as added by subsection (a)), shall
15 take effect 90 days after the date of the enactment of this
16 Act, and shall apply with respect to reports that are re-
17 quired by law to be submitted to Congress on or after that
18 date.

19 **SEC. 1062. PROHIBITION ON INFRINGING ON THE INDI-**
20 **VIDUAL RIGHT TO LAWFULLY ACQUIRE, POS-**
21 **SESS, OWN, CARRY, AND OTHERWISE USE PRI-**
22 **VATELY OWNED FIREARMS, AMMUNITION,**
23 **AND OTHER WEAPONS.**

24 (a) IN GENERAL.—Except as provided in subsection
25 (c), the Secretary of Defense shall not prohibit, issue any

1 requirement relating to, or collect or record any informa-
2 tion relating to the otherwise lawful acquisition, posses-
3 sion, ownership, carrying, or other use of a privately
4 owned firearm, privately owned ammunition, or another
5 privately owned weapon by a member of the Armed Forces
6 or civilian employee of the Department of Defense on
7 property that is not—

8 (1) a military installation; or

9 (2) any other property that is owned or oper-
10 ated by the Department of Defense.

11 (b) EXISTING REGULATIONS AND RECORDS.—

12 (1) REGULATIONS.—Any regulation promul-
13 gated before the date of enactment of this Act shall
14 have no force or effect to the extent that it requires
15 conduct prohibited by this section.

16 (2) RECORDS.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary of
18 Defense shall destroy any record containing informa-
19 tion described in subsection (a) that was collected
20 before the date of enactment of this Act.

21 (c) RULE OF CONSTRUCTION.—Subsection (a) shall
22 not be construed to limit the authority of the Secretary
23 of Defense to—

24 (1) create or maintain records relating to, or
25 regulate the possession, carrying, or other use of a

1 firearm, ammunition, or other weapon by a member
2 of the Armed Forces or civilian employee of the De-
3 partment of Defense while—

4 (A) engaged in official duties on behalf of
5 the Department of Defense; or

6 (B) wearing the uniform of an Armed
7 Force; or

8 (2) create or maintain records relating to an in-
9 vestigation, prosecution, or adjudication of an al-
10 leged violation of law (including regulations not pro-
11 hibited under subsection (a)), including matters re-
12 lated to whether a member of the Armed Forces
13 constitutes a threat to the member or others.

14 (d) REVIEW.—Not later than 180 days after the date
15 of enactment of this Act, the Secretary of Defense shall—

16 (1) conduct a comprehensive review of the pri-
17 vately owned weapons policy of the Department of
18 Defense, including legal and policy issues regarding
19 the regulation of privately owned firearms off of a
20 military installation, as recommended by the Depart-
21 ment of Defense Independent Review Related to
22 Fort Hood; and

23 (2) submit to the Committee on Armed Services
24 of the Senate and the Committee on Armed Services
25 of the House of Representatives a report regarding

1 committees a report containing the criteria and the meth-
2 odology developed pursuant to subsection (a).

3 **Subtitle H—Other Matters**

4 **SEC. 1071. NATIONAL DEFENSE PANEL.**

5 Subsection (f) of section 118 of title 10, United
6 States Code, is amended to read as follows:

7 “(f) NATIONAL DEFENSE PANEL.—

8 “(1) ESTABLISHMENT.—Not later than Feb-
9 ruary 1 of a year in which a quadrennial defense re-
10 view is conducted under this section, there shall be
11 established an independent panel to be known as the
12 National Defense Panel (in this subsection referred
13 to as the ‘Panel’). The Panel shall have the duties
14 set forth in this subsection.

15 “(2) MEMBERSHIP.—The Panel shall be com-
16 posed of ten members from private civilian life who
17 are recognized experts in matters relating to the na-
18 tional security of the United States. Eight of the
19 members shall be appointed as follows:

20 “(A) Two by the chairman of the Com-
21 mittee on Armed Services of the House of Rep-
22 resentatives.

23 “(B) Two by the chairman of the Com-
24 mittee on Armed Services of the Senate.

1 “(C) Two by the ranking member of the
2 Committee on Armed Services of the House of
3 Representatives.

4 “(D) Two by the ranking member of the
5 Committee on Armed Services of the Senate.

6 “(3) CO-CHAIRS OF THE PANEL.—In addition
7 to the members appointed under paragraph (2), the
8 Secretary of Defense shall appoint two members
9 from private civilian life to serve as co-chairs of the
10 panel.

11 “(4) PERIOD OF APPOINTMENT; VACANCIES.—
12 Members shall be appointed for the life of the Panel.
13 Any vacancy in the Panel shall be filled in the same
14 manner as the original appointment.

15 “(5) DUTIES.—The Panel shall have the fol-
16 lowing duties with respect to a quadrennial defense
17 review:

18 “(A) While the review is being conducted,
19 the Panel shall review the updates from the
20 Secretary of Defense required under paragraph
21 (8) on the conduct of the review.

22 “(B) The Panel shall—

23 “(i) review the Secretary of Defense’s
24 terms of reference and any other materials
25 providing the basis for, or substantial in-

1 puts to, the work of the Department of
2 Defense on the quadrennial defense review;

3 “(ii) conduct an assessment of the as-
4 sumptions, strategy, findings, and risks of
5 the report on the quadrennial defense re-
6 view required in subsection (d), with par-
7 ticular attention paid to the risks described
8 in that report;

9 “(iii) conduct an independent assess-
10 ment of a variety of possible force struc-
11 tures of the armed forces, including the
12 force structure identified in the report on
13 the quadrennial defense review required in
14 subsection (d);

15 “(iv) review the resource requirements
16 identified pursuant to subsection (b)(3)
17 and, to the extent practicable, make a gen-
18 eral comparison to the resource require-
19 ments to support the forces contemplated
20 under the force structures assessed under
21 this subparagraph; and

22 “(v) provide to Congress and the Sec-
23 retary of Defense, through the report
24 under paragraph (7), any recommenda-

1 tions it considers appropriate for their con-
2 sideration.

3 “(6) FIRST MEETING.—If the Secretary of De-
4 fense has not made the Secretary’s appointments to
5 the Panel under paragraph (3) by February 1 of a
6 year in which a quadrennial defense review is con-
7 ducted under this section, the Panel shall convene
8 for its first meeting with the remaining members.

9 “(7) REPORT.—Not later than 3 months after
10 the date on which the report on a quadrennial de-
11 fense review is submitted under subsection (d) to the
12 congressional committees named in that subsection,
13 the Panel established under paragraph (1) shall sub-
14 mit to those committees an assessment of the quad-
15 rennial defense review, including a description of the
16 items addressed under paragraph (5) with respect to
17 that quadrennial defense review.

18 “(8) UPDATES FROM SECRETARY OF DE-
19 FENSE.—The Secretary of Defense shall ensure that
20 periodically, but not less often than every 60 days,
21 or at the request of the co-chairs, the Department
22 of Defense briefs the Panel on the progress of the
23 conduct of a quadrennial defense review under sub-
24 section (a).

25 “(9) ADMINISTRATIVE PROVISIONS.—

1 “(A) The Panel may request directly from
2 the Department of Defense and any of its com-
3 ponents such information as the Panel con-
4 siders necessary to carry out its duties under
5 this subsection. The head of the department or
6 agency concerned shall cooperate with the Panel
7 to ensure that information requested by the
8 Panel under this paragraph is promptly pro-
9 vided to the maximum extent practical.

10 “(B) Upon the request of the co-chairs, the
11 Secretary of Defense shall make available to the
12 Panel the services of any federally funded re-
13 search and development center that is covered
14 by a sponsoring agreement of the Department
15 of Defense.

16 “(C) The Panel shall have the authorities
17 provided in section 3161 of title 5 and shall be
18 subject to the conditions set forth in such sec-
19 tion.

20 “(D) Funds for activities of the Panel shall
21 be provided from amounts available to the De-
22 partment of Defense.

23 “(10) TERMINATION.—The Panel for a quad-
24 rennial defense review shall terminate 45 days after
25 the date on which the Panel submits its final report

1 on the quadrennial defense review under paragraph
2 (7).”.

3 **SEC. 1072. SALE OF SURPLUS MILITARY EQUIPMENT TO**
4 **STATE AND LOCAL HOMELAND SECURITY**
5 **AND EMERGENCY MANAGEMENT AGENCIES.**

6 (a) STATE AND LOCAL AGENCIES TO WHICH SALES
7 MAY BE MADE.—Section 2576 of title 10, United States
8 Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking “State and local law en-
11 forcement and firefighting agencies” and insert-
12 ing “State and local law enforcement, fire-
13 fighting, homeland security, and emergency
14 management agencies”; and

15 (B) by striking “in carrying out law en-
16 forcement and firefighting activities” and in-
17 serting “in carrying out law enforcement, fire-
18 fighting, homeland security, and emergency
19 management activities”; and

20 (2) in subsection (b), by striking “State or local
21 law enforcement or firefighting agency” both places
22 it appears and inserting “State or local law enforce-
23 ment, firefighting, homeland security, or emergency
24 management agency”.

1 (b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—

2 Subsection (a) of such section is further amended by strik-
3 ing “and protective body armor” and inserting “personal
4 protective equipment, and other appropriate equipment”.

5 (c) CLERICAL AMENDMENTS.—

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

8 **“§ 2576. Surplus military equipment: sale to State and**
9 **local law enforcement, firefighting, home-**
10 **land security, and emergency manage-**
11 **ment agencies”.**

12 (2) TABLE OF SECTIONS.—The item relating to
13 section 2576 in the table of sections at the beginning
14 of chapter 153 of such title is amended to read as
15 follows:

“2576. Surplus military equipment: sale to State and local law enforcement,
firefighting, homeland security, and emergency management
agencies.”.

16 **SEC. 1073. DEFENSE RESEARCH AND DEVELOPMENT RAPID**
17 **INNOVATION PROGRAM.**

18 (a) PROGRAM ESTABLISHED.—The Secretary of De-
19 fense shall establish a competitive, merit-based program
20 to accelerate the fielding of technologies developed pursu-
21 ant to phase II Small Business Innovation Research Pro-
22 gram projects, technologies developed by the defense lab-
23 oratories, and other innovative technologies (including
24 dual use technologies). The purpose of this program is to

1 stimulate innovative technologies and reduce acquisition or
2 lifecycle costs, address technical risks, improve the timeli-
3 ness and thoroughness of test and evaluation outcomes,
4 and rapidly insert such products directly in support of pri-
5 marily major defense acquisition programs, but also other
6 defense acquisition programs that meet critical national
7 security needs.

8 (b) GUIDELINES.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary shall issue
10 guidelines for the operation of the program. At a minimum
11 such guidance shall provide for the following:

12 (1) The issuance of an annual broad agency an-
13 nouncement or the use of any other competitive or
14 merit-based processes by the Department of Defense
15 and by each military department for candidate pro-
16 posals in direct support of primarily major defense
17 acquisition programs, but also other defense acquisi-
18 tion programs as described in subsection (a).

19 (2) The review of candidate proposals by the
20 Department of Defense and by each military depart-
21 ment and the merit-based selection of the most
22 promising cost-effective proposals for funding
23 through contracts, cooperative agreements, and
24 other transactions for the purposes of carrying out
25 the program.

1 (3) The total amount of funding provided to
2 any project under the program shall not exceed
3 \$3,000,000, unless the Secretary, or the Secretary's
4 designee, approves a larger amount of funding for
5 the project. Any such approval shall be made on a
6 case-by-case basis and notice of any such approval
7 shall be submitted to the congressional defense com-
8 mittees by not later than 30 days after such ap-
9 proval is made.

10 (4) No project shall be funded under the pro-
11 gram for more than two years, unless the Secretary,
12 or the Secretary's designee, approves funding for
13 any additional year. Any such approval shall be
14 made on a case-by-case basis and notice of any such
15 approval shall be submitted to the congressional de-
16 fense committees by not later than 30 days after
17 such approval is made.

18 (c) TREATMENT PURSUANT TO CERTAIN CONGRES-
19 SIONAL RULES.—Nothing in this section shall be inter-
20 preted to require or enable any official of the Department
21 of Defense to provide funding under this section to any
22 earmark as defined pursuant to House Rule XXI, clause
23 9, or any congressionally directed spending item as defined
24 pursuant to Senate Rule XLIV, paragraph 5.

1 (d) FUNDING.—Subject to the availability of appro-
2 priations for such purpose, the amounts authorized to be
3 appropriated for research, development, test, and evalua-
4 tion for each of fiscal years 2011 through 2015 may be
5 used for any such fiscal year for the program established
6 under subsection (a).

7 (e) TRANSFER AUTHORITY.—The Secretary may
8 transfer funds available for the program to the research,
9 development, test, and evaluation accounts of a military
10 department, defense agency, or the unified combatant
11 command for special operations forces pursuant to a pro-
12 posal, or any part of a proposal, that the Secretary deter-
13 mines would directly support the purposes of the program.
14 The transfer authority provided in this subsection is in
15 addition to any other transfer authority available to the
16 Department of Defense.

17 (f) REPORT.—Not later than 60 days after the last
18 day of a fiscal year during which the Secretary carries out
19 a program under this section, the Secretary shall submit
20 to the congressional defense committees a report that in-
21 cludes a list and description of each project funded under
22 this section, including, for each such project, the amount
23 of funding provided for the project, the defense acquisition
24 program that the project supports, including the extent
25 to which the project meets needs identified in its acquisi-

1 tion plan, the anticipated timeline for transition for the
2 project, and the degree to which a competitive, merit-
3 based process was used to evaluate and select the per-
4 formers of the projects selected under this program.

5 (g) TERMINATION.—The authority to carry out a
6 program under this section shall terminate on September
7 30, 2015. Any amounts made available for the program
8 that remain available for obligation on the date the pro-
9 gram terminates may be transferred under subsection (e)
10 during the 180-day period beginning on the date of the
11 termination of the program.

12 **SEC. 1074. AUTHORITY TO MAKE EXCESS NONLETHAL SUP-**
13 **PLIES AVAILABLE FOR DOMESTIC EMER-**
14 **GENCY ASSISTANCE.**

15 (a) DOMESTIC AUTHORITY.—Section 2557 of title
16 10, United States Code, is amended—

17 (1) in subsection (a)(1), by adding at the end
18 the following new sentence: “In addition, the Sec-
19 retary may make nonlethal excess supplies of the
20 Department available to support domestic emergency
21 assistance activities.”; and

22 (2) in subsection (b)—

23 (A) by inserting “(1)” before “Excess”;
24 and

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

3 “(2) Excess supplies made available under this sec-
4 tion to support domestic emergency assistance activities
5 shall be transferred to the Secretary of Homeland Secu-
6 rity. The Secretary of Defense may provide assistance in
7 the distribution of such supplies at the request of the Sec-
8 retary of Homeland Security.”.

9 (b) CLERICAL AMENDMENTS.—

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

12 “§ 2557. Excess nonlethal supplies: availability for hu-
13 manitarian relief, domestic emergency
14 assistance, and homeless veterans assist-
15 ance”.

16 (2) TABLE OF SECTIONS.—The item relating to
17 such section in the table of sections at the beginning
18 of chapter 152 of such title is amended to read as
19 follows:

“2557. Excess nonlethal supplies: availability for humanitarian relief, domestic
emergency assistance, and homeless veterans assistance.”.

20 SEC. 1075. TECHNICAL AND CLERICAL AMENDMENTS.

21 (a) TITLE 5, UNITED STATES CODE.—Title 5,
22 United States Code, is amended as follows:

23 (1) Section 8344(l)(2)(B), as added by section
24 1122(a) of the National Defense Authorization Act

1 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
2 2505), is amended by striking “5201 et seq.” and
3 inserting “5211 et seq.”.

4 (2) Section 9902(a)(2), as added by section
5 1113(d) of the National Defense Authorization Act
6 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
7 2499), is amended by striking “chapters” both
8 places it appears and inserting “chapter”.

9 (b) TITLE 10, UNITED STATES CODE.—Title 10,
10 United States Code, is amended as follows:

11 (1) The tables of chapters at the beginning of
12 subtitle A and at the beginning of part II of such
13 subtitle are amended by striking “1031” in the item
14 relating to chapter 53 and inserting “1030”.

15 (2) Section 127a is amended—

16 (A) in subsection (a)(1)(A), by striking
17 “Armed Forces” and inserting “armed forces”;
18 and

19 (B) in subsection (b)(1) by striking
20 “Armed Forces” both places it appears and in-
21 serting “armed forces”.

22 (3) Section 127d(d)(1) is amended by striking
23 “Committee on International Relations” and insert-
24 ing “Committee on Foreign Affairs”.

25 (4) Section 132 is amended—

1 (A) by redesignating subsection (d), as
2 added by section 2831(a) of the National De-
3 fense Authorization Act for Fiscal Year 2010
4 (Public Law 111–84; 123 Stat. 2669), as sub-
5 section (e); and

6 (B) in such subsection, by striking “Guam
7 Executive Council” and inserting “Guam Over-
8 sight Council”.

9 (5) Section 139c(d)(4) is amended by adding at
10 period at the end.

11 (6) Section 139d(a)(6) is amended by striking
12 “propriety” and inserting “proprietary”.

13 (7) Section 172 is amended—

14 (A) by striking “(a)” before “The Secre-
15 taries”; and

16 (B) by striking subsection (b).

17 (8) Section 181(b)(3) is amended by striking
18 “Performance Evaluation” and inserting “Program
19 Evaluation”.

20 (9) Section 186 is amended by redesignating
21 the second subsection (c) (relating to definitions) as
22 subsection (d).

23 (10)(A) Section 382 is amended by striking
24 “section 175 or 2332c” in subsections (a), (b)(2)(C),

1 and (d)(2)(A)(ii) and inserting “section 175, 229, or
2 2332a”.

3 (B) The heading of such section is amended by
4 striking “**chemical or biological**”.

5 (C) The table of sections at the beginning of
6 chapter 18 is amended by striking the item relating
7 to section 382 and inserting the following new item:
“382. Emergency situations involving weapons of mass destruction.”.

8 (11) Section 428(f) is amended by striking “,
9 United States Code,”.

10 (12) Section 525 is amended—

11 (A) in subsection (d), by striking “section
12 601(b)(4)” and inserting “section 601(b)(5)”;
13 and

14 (B) in subsection (g)(1)—

15 (i) by striking “and is not” and in-
16 serting “and are not”; and

17 (ii) by adding at period at the end.

18 (13) Section 841(c) is amended by striking
19 “trail counsel” and inserting “trial counsel”.

20 (14) Section 843(b)(2)(B)(v) is amended by
21 striking “Kidnaping; indecent assault;” and insert-
22 ing “Kidnaping, indecent assault,”.

23 (15) Section 1030(e)(1) is amended by striking
24 “3 years,” and inserting “three years.”.

25 (16) Section 1146 is amended—

1 (A) in subsection (a), by striking “(a)
2 BENEFITS FOR MEMBERS INVOLUNTARILY
3 SEPARATED.—”, as added by section 5(1) of
4 Public Law 110–317 (122 Stat. 3528);

5 (B) by redesignating the second subsection
6 (b) as subsection (c); and

7 (C) in subsection (c), as so redesignated—

8 (i) by striking “BENEFITS FOR” in
9 the subsection heading;

10 (ii) by striking “Armed Forces” in the
11 matter preceding paragraph (1) and insert-
12 ing “armed forces”; and

13 (iii) by striking “the members entitle-
14 ment” in paragraph (2) and inserting “the
15 member’s entitlement”.

16 (17) Section 1174(i) is amended by striking
17 “Armed Forces” each place it appears and inserting
18 “armed forces”.

19 (18) Section 1175a(j)(3) is amended by striking
20 “title 10” and inserting “this title”.

21 (19) Section 1203(b)(4)(B) is amended by
22 striking “determination,” and inserting “determina-
23 tion,”.

1 (20) Section 1482a(c)(3) is amended by strik-
2 ing “section 1482(a)(11)” and inserting “section
3 1482(e)(5)(A)”.

4 (21) Section 1566a(a)(1) is amended by insert-
5 ing a close parenthesis before the period at the end.

6 (22) Section 1599c(a)(2)(B) is amended by
7 striking “subchapter 1” and inserting “subchapter
8 I”.

9 (23) Section 1781b(d) is amended by striking
10 “March 1, 2008, and each year thereafter” and in-
11 serting “March 1 each year”.

12 (24) Section 1781e(h)(1) is amended by strik-
13 ing “180 days after the date of the enactment of the
14 National Defense Authorization Act for Fiscal Year
15 2010, and annually thereafter” and inserting “April
16 30 each year”.

17 (25) Section 1788(b) is amended by striking
18 “Armed Forces” and inserting “armed forces”.

19 (26) Section 2004b(b)(1) is amended by strik-
20 ing “pay grade 0–3” and inserting “pay grade O–
21 3”.

22 (27) The table of sections at the beginning of
23 chapter 104 is amended by transferring the item re-
24 lating to section 2113a to appear after the item re-
25 lating to section 2113.

1 (28) Section 2130a(b)(1) is amended by strik-
2 ing “Training Program” both places it appears and
3 inserting “Training Corps program”.

4 (29) Section 2222(a) is amended by striking
5 “Effective October 1, 2005, funds” and inserting
6 “Funds”.

7 (30) The table of sections at the beginning of
8 subchapter I of chapter 134, as amended by section
9 1031(a)(2) of the National Defense Authorization
10 Act for Fiscal Year 2010 (Public Law 111–84; 123
11 Stat. 2448), is amended by transferring the item re-
12 lating to section 2241a from the end of the table of
13 sections to appear after the item relating to section
14 2241.

15 (31) Section 2323(a)(1)(D) is amended by in-
16 serting a close parenthesis before the semicolon.

17 (32) Section 2362(e)(1) is amended by striking
18 “IV” and inserting “V”.

19 (33) Section 2366a(c) is amended—

20 (A) by inserting a space between “(c)” and
21 the subsection heading; and

22 (B) in paragraph (4), by striking “section
23 125a(a) of this title” and inserting “section
24 118b(c)(3) of this title”.

1 (34) Section 2433(a)(1) is amended by striking
2 “section 2430a(c)” and inserting “section
3 2430a(d)”.

4 (35) Section 2433a(b)(2)(B) is amended by
5 striking “section 181(g)((1)” and inserting “section
6 181(g)(1)”.

7 (36) Section 2476(d)(2)(D) is amended by
8 striking “Navy Depots” and inserting “Navy de-
9 pots”.

10 (37) Section 2488(f) is amended by striking
11 “Armed Forces” both places it appears and insert-
12 ing “armed forces”.

13 (38) Section 2533a(d) is amended in para-
14 graphs (1) and (4) by striking “(b)(1)(A), (b)(2), or
15 (b)(3)” and inserting “(b)(1)(A) or (b)(2)”.

16 (39) Section 2603 is amended by striking
17 “Armed Forces” both places it appears and insert-
18 ing “armed forces”.

19 (40) Section 2642(a)(3) is amended by striking
20 “During the five-year period beginning on the date
21 of the enactment of the National Defense Authoriza-
22 tion Act for Fiscal Year 2010” and inserting “Dur-
23 ing the period beginning on October 28, 2009, and
24 ending on October 28, 2014”.

25 (41) Section 2667(e) is amended—

1 (A) in paragraph (1)(A)(ii), by striking
2 “sections 2668 and 2669” and inserting “sec-
3 tion 2668”; and

4 (B) in paragraph (5), by striking “sub-
5 section (f)” and inserting “subsection (g)”.

6 (42) Section 2671(a)(2) is amended by striking
7 “Armed Forces” and inserting “armed forces”.

8 (43) Section 2684a(g)(1) is amended by strik-
9 ing “March 1, 2007, and annually thereafter” and
10 inserting “March 1 each year”.

11 (44) Section 2687a(a) is amended by striking
12 “31for” and inserting “31 for”.

13 (45) Section 2694c(d)(4) is amended by insert-
14 ing “Authorization” after “Military Construction”.

15 (46) Chapter 160 is amended—

16 (A) in section 2700(2), by inserting “‘pol-
17 lutant or contaminant’,” after “‘person’,”; and

18 (B) in section 2701(b)(1), by striking
19 “hazardous substances, pollutants, and con-
20 taminants” and inserting “a hazardous sub-
21 stance or pollutant or contaminant”.

22 (47) The table of subchapters at the beginning
23 of chapter 173 is amended by inserting “Sec.” above
24 “2911”.

1 (48) Section 2922d is amended by striking “1
2 or more” each place it appears and inserting “one
3 or more”.

4 (49) Section 7042(a)(1)(A) is amended by
5 striking the comma after “captain”.

6 (50) Section 9515 is amended—

7 (A) in subsection (b), by striking “Section
8 1356 of the National Defense Authorization Act
9 for 2008” and inserting “section 1356 of the
10 National Defense Authorization Act for Fiscal
11 Year 2008”;

12 (B) in subsection (f)(2), by striking “para-
13 graph (2)” and inserting “paragraph (1)”; and

14 (C) in subsection (j)(1), by striking
15 “United States Code,”.

16 (51) Section 10214 is amended by striking
17 “14508(e)” and inserting “14508(h)”.

18 (52) Section 10216 is amended by striking
19 “section 115(c)” in subsections (b)(1), (c)(1), and
20 (c)(2)(A) and inserting “section 115(d)”.

21 (53) Section 10217(c)(1) is amended—

22 (A) by striking “Effective October 1, 2007,
23 the” and inserting “The”; and

24 (B) by striking “after the preceding sen-
25 tence takes effect”.

1 (54) Section 12203(a) is amended by striking
2 “above” in the first sentence and inserting “of”.

3 (55) Section 16132a is amended—

4 (A) in subsection (b)(1), by striking
5 “agreement to service” and inserting “agree-
6 ment to serve”; and

7 (B) in subsection (i)(2), by striking
8 “whose”.

9 (56) Section 16163a(b)(2) is amended by strik-
10 ing “section (j)” and inserting “subsection (j)”.

11 (c) TITLE 37.—Title 37, United States Code, is
12 amended as follows:

13 (1) Section 303a(e)(3)(B) is amended by insert-
14 ing “of” after “result”.

15 (2) The table of sections at the beginning of
16 chapter 5 is amended by striking the item related to
17 section 312 and inserting the following new item:

 “312. Special pay: nuclear-qualified officers extending period of active service.”.

18 (3) The table of sections at the beginning of
19 chapter 7 is amended—

20 (A) by striking the item related to section
21 438 and inserting the following new item:

 “411k. Travel and transportation allowances: non-medical attendants for mem-
 bers who are determined to be very seriously or seriously
 wounded, ill, or injured.”; and

1 (B) by striking the item related to section
2 438 and inserting the following new item:

“438. Preventive health services allowance.”.

3 (4) Section 411k(d)(1) is amended by striking
4 “allowances section” and inserting “allowances
5 under section”.

6 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR
7 FISCAL YEAR 2010.—Effective as of October 28, 2009,
8 and as if included therein as enacted, the National De-
9 fense Authorization Act for Fiscal Year 2010 (Public Law
10 111–84) is amended as follows:

11 (1) Section 325(d)(4) (123 Stat. 2254) is
12 amended by striking “section 236” and inserting
13 “section 235”.

14 (2) Section 502(c)(3) (123 Stat. 2274) is
15 amended by striking “officers” and inserting “gen-
16 eral officers and flag officers”.

17 (3) Section 581(a)(1)(C) (123 Stat. 2326) is
18 amended by striking “subsection (f)” and inserting
19 “subsection (g), as redesignated by section
20 582(b)(1)”.

21 (4) Section 584(a) (123 Stat. 2330) is amended
22 by striking “such Act” and inserting “the Uni-
23 formed and Overseas Citizens Absentee Voting Act”.

1 (5) Section 585(b)(1) (123 Stat. 2331) is
2 amended by striking subparagraphs (A) and (B),
3 and inserting the following new subparagraphs:

4 “(A) in paragraph (2), by striking ‘section
5 102(4)’ and inserting ‘section 102(a)(4)’; and

6 “(B) by striking paragraph (4) and insert-
7 ing the following new paragraph:

8 “‘(4) prescribe a suggested design for absentee
9 ballot mailing envelopes;’; and”.

10 (6) Section 589 (123 Stat. 2334; 42 U.S.C.
11 1973ff-7) is amended—

12 (A) in subsection (a)(1)—

13 (i) by striking “section 107(a)” and
14 inserting “section 107(1)”; and

15 (ii) by striking “1973ff et seq.” and
16 inserting “1973ff-6(1)”; and

17 (B) in subsection (e)(1), by striking
18 “1977ff note” and inserting “1973ff note”.

19 (7) The undesignated section immediately fol-
20 lowing section 603 (123 Stat. 2350) is designated as
21 section 604.

22 (8) Section 714(c) (123 Stat. 2382; 10 U.S.C.
23 1071 note) is amended—

24 (A) by striking “feasability” both places it
25 appears and inserting “feasibility”; and

1 (B) by striking “specialities” both places it
2 appears and inserting “specialties”.

3 (9) Section 813(a)(3) (123 Stat. 2407) is
4 amended by inserting “order” after “task” in the
5 matter to be struck.

6 (10) Section 921(b)(2) (123 Stat. 2432) is
7 amended by inserting “subchapter I of” before
8 “chapter 21”.

9 (11) Section 1014(c) (123 Stat. 2442) is
10 amended by striking “in which the support” and in-
11 serting “in which support”.

12 (12) Section 1043(d) (123 Stat. 2457; 10
13 U.S.C. 2353 note) is amended by striking “et 13
14 seq.” and inserting “et seq.”.

15 (13) Section 1055(f) (123 Stat. 2462) is
16 amended by striking “Combating” and inserting
17 “Combatting”.

18 (14) Section 1063(d)(2) (123 Stat. 2470) is
19 amended by striking “For purposes of this section,
20 the” and inserting “The”.

21 (15) Section 1080(b) (123 Stat. 2479; 10
22 U.S.C. 801 note) is amended—

23 (A) by striking “title 14” and inserting
24 “title XIV”;

1 (B) by striking “title 10” and inserting
2 “title X”; and

3 (C) by striking “the Military Commissions
4 Act of 2006 (10 U.S.C. 948 et seq.; Public Law
5 109–366)” and inserting “chapter 47A of title
6 10, United States Code”.

7 (16) Section 1111(b) (123 Stat. 2495; 10
8 U.S.C. 1580 note prec.) is amended by striking “the
9 Secretary” in the first sentence and inserting “the
10 Secretary of Defense”.

11 (17) Section 1113(g)(1) (123 Stat. 2502; 5
12 U.S.C. 9902 note) is amended by inserting “United
13 States Code,” after “title 5,” the first place it ap-
14 pears.

15 (18) Section 1202(c) (123 Stat. 2512) is
16 amended—

17 (A) by striking “1208(f) of the Ronald W.
18 Reagan National Defense Authorization Act for
19 Fiscal Year 2005 (Public Law 108–375; 118
20 Stat. 2086) is amended in the second sentence”
21 and inserting “1208(f)(2) of the Ronald W.
22 Reagan National Defense Authorization Act for
23 Fiscal Year 2005 (Public Law 108–375; 118
24 Stat. 2086), as amended by section 1202(a) of
25 the National Defense Authorization Act for Fis-

1 cal Year 2008 (Public Law 110–181; 122 Stat.
2 363), is further amended”; and

3 (B) by redesignating paragraphs (1)
4 through (8), as proposed to be inserted, as sub-
5 paragraphs (A) through (H), respectively and
6 indenting the left margin of such subpara-
7 graphs, as so redesignated, 4 ems from the left
8 margin.

9 (19) Section 1261 (123 Stat. 2553; 22 U.S.C.
10 6201 note) is amended by inserting a space between
11 the first short title and “or”.

12 (20) Section 1306(b) (123 Stat. 2560) is
13 amended by striking “fiscal year” and inserting
14 “Fiscal Year”.

15 (21) Subsection (b) of section 1803 (123 Stat.
16 2612) is amended to read as follows:

17 “(b) APPELLATE REVIEW UNDER DETAINEE TREAT-
18 MENT ACT OF 2005.—

19 “(1) DEPARTMENT OF DEFENSE, EMERGENCY
20 SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HUR-
21 RICANES IN THE GULF OF MEXICO, AND PANDEMIC
22 INFLUENZA ACT, 2006.—Section 1005(e) of the De-
23 tainee Treatment Act of 2005 (title X of Public Law
24 109–148; 10 U.S.C. 801 note) is amended by strik-
25 ing paragraph (3).

1 “(2) NATIONAL DEFENSE AUTHORIZATION ACT
2 FOR FISCAL YEAR 2006.—Section 1405(e) of the De-
3 tainee Treatment Act of 2005 (Public Law 109–163;
4 10 U.S.C. 801 note) is amended by striking para-
5 graph (3).”.

6 (22) Section 1916(b)(1)(B) (123 Stat. 2624) is
7 amended by striking the comma after “5941”.

8 (23) Section 2804(d)(2) (123 Stat. 2662) is
9 amended by inserting “subchapter III of” before
10 “chapter 169”.

11 (24) Section 2835(f)(1) (123 Stat. 2677) is
12 amended by striking “publically-available” and in-
13 serting “publicly available”.

14 (25) Section 3503(b)(1) (123 Stat. 2719) is
15 amended by striking the extra quotation marks.

16 (26) Section 3508(1) (123 Stat. 2721) is
17 amended by striking “headline” and inserting
18 “heading”.

19 (e) DUNCAN HUNTER NATIONAL DEFENSE AUTHOR-
20 IZATION ACT FOR FISCAL YEAR 2009.—The Duncan
21 Hunter National Defense Authorization Act for Fiscal
22 Year 2009 (Public Law 110–417) is amended as follows:

23 (1) Section 143(b)(1) (122 Stat. 4381; 10
24 U.S.C. 2304 note) is amended by striking “identi-
25 fies” and inserting “identify”.

1 (2) Section 231(b) (122 Stat. 4391; 10 U.S.C.
2 2431 note) is amended by striking “section” and in-
3 serting “subsection”.

4 (3) Section 233(a)(3) (122 Stat. 4393) is
5 amended by striking “122 Stat. 42” and inserting
6 “122 Stat. 43”.

7 (4) Section 324(b) (122 Stat. 4416; 10 U.S.C.
8 8062 note) is amended by striking “their” and in-
9 serting “its”.

10 (5) Section 332(e) (122 Stat. 4420; 10 U.S.C.
11 2911 note) is amended by striking “section (d)” and
12 inserting “subsection (d)”.

13 (6) Section 358(b) (122 Stat. 4427; 10 U.S.C.
14 2302 note) is amended by inserting a comma after
15 “Agent”.

16 (7) Section 596(b)(1)(D) (10 U.S.C. 1071
17 note), as amended by section 594 of the National
18 Defense Authorization Act for Fiscal Year 2010
19 (Public Law 111–84; 123 Stat. 2338), is amended
20 by striking “or flag” the second place it appears.

21 (8) Section 597(f) (122 Stat. 4481) is amended
22 by striking “meeting” and inserting “meanings”.

23 (9) Section 604(b) (122 Stat. 4483) is amended
24 by inserting “of” after “(a)(1)”.

1 (10) Section 619(d) (122 Stat. 4489; 37 U.S.C.
2 353 note) is amended by striking “such subsections”
3 and inserting “such subsection”.

4 (11) Section 711(d)(2) (122 Stat. 4501) is
5 amended by striking “1111((b))” and inserting
6 “1111(b)(3)”.

7 (12) Effective as of October 14, 2008, and as
8 if included in Public Law 110–417 as enacted, sec-
9 tion 727(b)(2) is amended by striking “compelling”.

10 (13) Section 822(c)(1)(A) (122 Stat. 4532) is
11 amended by striking “this title” and inserting “title
12 10, United States Code”.

13 (14) Section 863(b)(3)(A) (122 Stat. 4547) is
14 amended by striking “subsection (d)(2)(A)” and in-
15 serting “subsection (d)(3)(A)”.

16 (15) Section 869 (122 Stat. 4553) is amend-
17 ed—

18 (A) in subsection (b), by striking “433(a)”
19 and inserting “433a(a)”; and

20 (B) in subsection (c)(4)—

21 (i) by striking “37(j)” and inserting
22 “37(g)”; and

23 (ii) by striking “433(j)” and inserting
24 “433(g)”.

1 (16) Section 873(a)(4) (122 Stat. 4558; 10
2 U.S.C. 6101 note) is amended by striking “to Gov-
3 ernment” and inserting “to the Government”.

4 (17) Section 1111 (10 U.S.C. 143 note), as
5 amended by section 1109 of the National Defense
6 Authorization Act for Fiscal Year 2010 (Public Law
7 111–84; 123 Stat. 2492), is amended—

8 (A) in subsection (a)(1), by striking “sec-
9 tion 821” and inserting “section 833”; and

10 (B) in subsection (b)—

11 (i) in the matter preceding paragraph
12 (1), by striking “secretary of a military de-
13 partment” and inserting “Secretary of a
14 military department”;

15 (ii) in paragraph (1)—

16 (I) by striking “the the require-
17 ments” and inserting “the require-
18 ments”; and

19 (II) by striking “this title” and
20 inserting “such title”; and

21 (iii) in paragraph (2), by striking
22 “any any of the following” and inserting
23 “any of the following”.

1 (18) Section 1602(5) (122 Stat. 4653; 22
2 U.S.C. 2368 note) is amended by striking “a Ac-
3 tive” and inserting “an Active”.

4 (19) Section 3113 (122 Stat. 4754; 50 U.S.C.
5 2444) is amended—

6 (A) in subsection (b)(2), by inserting a
7 close parenthesis before the semicolon; and

8 (B) in subsection (d)(2), by striking “fails
9 repay” and inserting “fails to repay”.

10 (20) Section 3512 (122 Stat. 4770; 48 U.S.C.
11 1421r) is amended by inserting a period at the end
12 of subsection (f).

13 (f) NATIONAL DEFENSE AUTHORIZATION ACT FOR
14 FISCAL YEAR 2008.—The National Defense Authoriza-
15 tion Act for Fiscal Year 2008 (Public Law 110–181) is
16 amended as follows:

17 (1) Section 624 (122 Stat. 153; 37 U.S.C. 307a
18 note) is amended—

19 (A) in subsection (a), by striking “Oper-
20 ating” and inserting “Operation”; and

21 (B) in subsection (b), by striking “Oper-
22 ating” and inserting “Operation”.

23 (2) Effective as of January 28, 2008, and as if
24 included in Public Law 110–181 as enacted, section
25 804 (122 Stat. 208) is amended—

1 (A) in subsection (a)(3), by striking “spe-
2 ciality” and inserting “specialty”; and

3 (B) in subsection (e), by striking “sub-
4 section (c)” and inserting “subsection (d)(1)”.

5 (3) Section 808 (122 Stat. 215; 10 U.S.C.
6 2330 note) is amended by redesignating the second
7 subsection (c) as subsection (d).

8 (4) Section 827(a)(2) (122 Stat. 228; 10
9 U.S.C. 2410n note) is amended by striking “sub-
10 section (a)” and inserting “paragraph (1)”.

11 (5) Section 843 (122 Stat. 236) is amended—

12 (A) in subsection (a)(2)(C), by striking
13 “paragraph (1)” and inserting “subparagraph
14 (A)”; and

15 (B) in subsection (b)(2)(C), by striking
16 “paragraph (1)” and inserting “subparagraph
17 (A)”.

18 (6) Section 890 (122 Stat. 269; 10 U.S.C.
19 2302 note) is amended—

20 (A) in subsection (a), by inserting “Act”
21 before “of 1979”;

22 (B) in subsection (b), by inserting “Act”
23 before “of 1979”; and

24 (C) in subsection (d)(1), by striking “sec-
25 tions” and inserting “parts”.

1 (7) Section 1063(a)(16) (122 Stat. 322) is
2 amended by striking “(1)”.

3 (8) Effective as of January 28, 2008, and as if
4 included in Public Law 110–181 as enacted, section
5 1075(a) (122 Stat. 333) is amended by striking
6 “June” and inserting “September”.

7 (9) Section 1243(c) (122 Stat. 396) is amended
8 by striking “(4))” and inserting “(4)))”.

9 (10) Section 1244(a)(3) (122 Stat. 396) is
10 amended by striking “(4))” and inserting “(4)))”.

11 (g) JOHN WARNER NATIONAL DEFENSE AUTHOR-
12 IZATION ACT FOR FISCAL YEAR 2007.—Effective as of
13 October 17, 2006, and as if included therein as enacted,
14 the John Warner National Defense Authorization Act for
15 Fiscal Year 2007 (Public Law 109–364) is amended as
16 follows:

17 (1) Section 321(a)(1) (120 Stat. 2144; 10
18 U.S.C. 2222 note) is amended by striking “Public
19 Law 190–163” and inserting “Public Law 109–
20 163”.

21 (2) Section 348(2) (120 Stat. 2159) is amended
22 in the matter to be struck from and inserted in sec-
23 tion 366(d) of the Bob Stump National Defense Au-
24 thorization Act for Fiscal Year 2003 (Public Law

1 107–314; 116 Stat. 2523) by striking “within” both
2 places it appears and inserting “Within”.

3 (3) Section 355(b)(1) (120 Stat. 2162) is
4 amended in the matter to be struck from section
5 344 of the National Defense Authorization Act for
6 Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.
7 note prec. 1030) by striking “Operation Iraqi Free-
8 dom and Operation Enduring Freedom” and insert-
9 ing “Operation Enduring Freedom and Operation
10 Iraqi Freedom”.

11 (4) Section 511(b)(3) (120 Stat. 2183) is
12 amended in the matter preceding subparagraph (A)
13 by striking “section” and inserting “title”.

14 (5) Section 705(b)(2) (120 Stat. 2281; 10
15 U.S.C. 1074g note) is amended by striking “section
16 1074g(a)(2)(E)” and inserting “section
17 1074g(a)(2)”.

18 (6) Section 2821(b)(1) (120 Stat. 2474) is
19 amended by inserting “by striking” after “sub-
20 section (a)(1),”.

21 (h) NATIONAL DEFENSE AUTHORIZATION ACT FOR
22 FISCAL YEAR 2006.—Effective as of January 6, 2006,
23 and as if included therein as enacted, the National De-
24 fense Authorization Act for Fiscal Year 2006 (Public Law
25 109–163) is amended as follows:

1 (1) Section 515(h) (119 Stat. 3237; 10 U.S.C.
2 10101 note) is amended by striking “10 USC 10101
3 note.”.

4 (2) Section 535(b) (119 Stat. 3249; 10 U.S.C.
5 2101 note) is amended by inserting “of” after
6 “Committee on Armed Services” the first place it
7 appears.

8 (3) Section 1056(e)(2) (119 Stat. 3440) is
9 amended by striking “Section” and inserting “Effec-
10 tive as of December 2, 2002, and as if included in
11 Public Law 107–314 as enacted, section”.

12 (4) Section 1057 (119 Stat. 3440) is amend-
13 ed—

14 (A) in subsection (a)—

15 (i) in paragraph (5), by striking
16 “4778,”; and

17 (ii) in paragraph (6), by striking
18 “4747” and inserting “2651”;

19 (B) in subsection (b)(3)—

20 (i) by striking “109,”; and

21 (ii) by adding at the end the following
22 new sentence: “Section 109 is amended by
23 striking ‘State or Territory, Puerto Rico,
24 the Virgin Islands, or the District of Co-
25 lumbia’ each place it appears and inserting

1 ‘State, the Commonwealth of Puerto Rico,
2 the District of Columbia, Guam, or the
3 Virgin Islands’ ”; and

4 (C) in subsection (b)(5)—

5 (i) in the language to be struck from
6 section 324 of title 32, United States
7 Code, by striking the comma after “Rico”;
8 and

9 (ii) in the language to be inserted in
10 section 324 of title 32, United States
11 Code, by inserting “of” after “Virgin Is-
12 lands,”.

13 (5) Section 1104 (119 Stat. 3448) is amend-
14 ed—

15 (A) in subsection (a)(3)(A), by inserting
16 “the first place it appears” before “and insert-
17 ing”; and

18 (B) in subsection (c), by striking “sub-
19 section (c)(1)” and inserting “subsection
20 (b)(2)”.

21 (6) Section 2806(c)(2)(A) (119 Stat. 3507) is
22 amended in the matter to be struck from and in-
23 serted in section 2884(b)(1) of title 10, United
24 States Code, by striking “a” both places it appears
25 and inserting “A”.

1 (i) RONALD W. REAGAN NATIONAL DEFENSE AU-
2 THORIZATION ACT FOR FISCAL YEAR 2005.—The Ronald
3 W. Reagan National Defense Authorization Act for Fiscal
4 Year 2005 (Public Law 108–375) is amended as follows:

5 (1) Section 577(b)(12) (10 U.S.C. 113 note), as
6 amended by section 563(e) of the Duncan Hunter
7 National Defense Authorization Act for Fiscal Year
8 2009 (Public Law 110–417; 122. Stat. 4471) is
9 amended by striking “The Secretary shall imple-
10 ment” and inserting “Implementation of”.

11 (2) Section 1085 (118 Stat. 2065; 10 U.S.C.
12 113 note), as amended by section 360(c) of the Na-
13 tional Defense Authorization Act for Fiscal Year
14 2008 (Public Law 110–181; 122. Stat. 78) is
15 amended by striking “subsection (a)” and inserting
16 “section 360(a) of the National Defense Authoriza-
17 tion Act for Fiscal Year 2008 (Public Law 110–181;
18 122. Stat. 77)”.

19 (j) BOB STUMP NATIONAL DEFENSE AUTHORIZA-
20 TION ACT FOR FISCAL YEAR 2003.—Section 1032(a) of
21 the Bob Stump National Defense Authorization Act for
22 Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358
23 note) is amended by striking “thereafter,,” and inserting
24 “thereafter,”.

1 (k) WEAPON SYSTEMS ACQUISITION REFORM ACT
2 OF 2009.—Effective as of May 22, 2009, and as if in-
3 cluded therein as enacted, section 205 of the Weapon Sys-
4 tems Acquisition Reform Act of 2009 (Public Law 111–
5 23; 123 Stat. 1724) is amended—

6 (1) in subsection (a)(1)(B), by striking “para-
7 graphs (1) and (2)” in the matter to be inserted and
8 inserting “paragraphs (1), (2), and (3)”; and

9 (2) in subsection (c), by striking “2433a(c)(3)”
10 and inserting “2433a(c)(1)(C)”.

11 (l) TECHNICAL CORRECTION REGARDING SBIR EX-
12 TENSION.—Section 9(m)(2) of the Small Business Act (15
13 U.S.C. 638(m)(2)), as added by section 847(a) of the Na-
14 tional Defense Authorization Act for Fiscal Year 2010
15 (Public Law 111–84; 123 Stat. 2420), is amended by
16 striking “is authorized” and inserting “are authorized”.

17 (m) TECHNICAL CORRECTION REGARDING SMALL
18 SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE
19 PROGRAM.—Section 3506 of the National Defense Au-
20 thorization Act for Fiscal Year 2006, as reinstated by the
21 amendment made by section 1073(c)(14) of the National
22 Defense Authorization Act for Fiscal Year 2010 (Public
23 Law 111–84; 123 Stat. 2475), is repealed.

24 (n) TECHNICAL CORRECTION REGARDING DOT
25 MARITIME HERITAGE PROPERTY.—Section 6(a)(1)(C) of

1 the National Maritime Heritage Act of 1994 (16 U.S.C.
2 5405(a)(1)(C)), as amended by section 3509 of the Na-
3 tional Defense Authorization Act for Fiscal Year 2010
4 (Public Law 111–84; 123 Stat. 2721), is amended by
5 striking “the date of enactment of the Maritime Adminis-
6 tration Authorization Act of 2010” and inserting “October
7 28, 2009”.

8 (o) TECHNICAL CORRECTION OF CITATION.—Section
9 42 of the Office of Federal Procurement Policy Act (41
10 U.S.C. 438) is amended—

11 (1) in subsection (e)(1) by striking “(41 U.S.C.
12 607(b))” and inserting “(41 U.S.C. 607(d))”; and

13 (2) in subsection (c)(2)(A) by inserting “of
14 1978” after “Contract Disputes Act”.

15 **SEC. 1076. STUDY ON OPTIMAL BALANCE OF MANNED AND**
16 **REMOTELY PILOTED AIRCRAFT.**

17 (a) STUDY.—

18 (1) IN GENERAL.—Not later than 30 days after
19 the date of the enactment of this Act, the Secretary
20 of Defense shall commission a study by an inde-
21 pendent, non-profit organization on the optimal bal-
22 ance between manned and remotely piloted aircraft
23 of the Armed Forces.

24 (2) SELECTION.—The independent, non-profit
25 organization selected for the study under paragraph

1 (1) shall be qualified on the basis of having per-
2 formed work in the fields of national security and
3 combat systems.

4 (b) MATTERS INCLUDED.—The study under sub-
5 section (a) shall include the following:

6 (1) With respect to each military department,
7 an assessment of the feasibility and desirability of a
8 more rapid transition from manned to remotely pi-
9 loted aircraft for a range of operations, including
10 combat operations.

11 (2) An evaluation of the current ability of each
12 military department to resist attacks mounted by
13 foreign militaries with significant investments in re-
14 search and development and deployment of remotely
15 piloted aircraft, including an assessment of each
16 military department's ability to defend against—

17 (A) a large enemy force of remotely piloted
18 aircraft; and

19 (B) any other relevant scenario involving
20 remotely piloted aircraft that the Secretary de-
21 termines appropriate.

22 (3) An analysis of—

23 (A) current and future capabilities of for-
24 eign militaries in developing and deploying re-
25 motely piloted aircraft; and

1 (B) identified vulnerabilities of United
2 States weapons systems to foreign remotely pi-
3 loted aircraft.

4 (4) Conclusions on the matters described in
5 paragraphs (1) through (3) and what the inde-
6 pendent, non-profit organization conducting the
7 study determines is the optimal balance of invest-
8 ment in development and deployment of manned
9 versus remotely piloted aircraft.

10 (c) REPORT.—Not later than December 1, 2011, the
11 Secretary of Defense shall submit to the congressional de-
12 fense committees, the Committee on Oversight and Gov-
13 ernment Reform of the House of Representatives, and the
14 Committee on Homeland Security and Governmental Af-
15 fairs of the Senate a report that includes the study under
16 subsection (a).

17 (d) FORM.—

18 (1) STUDY.—The study under subsection (a)
19 shall include a classified annex with respect to the
20 matters described in subsection (b)(3).

21 (2) REPORT.—The report under subsection (c)
22 may include a classified annex.

23 (e) REMOTELY PILOTED AIRCRAFT DEFINED.—In
24 this section, the term “remotely piloted aircraft” means
25 any unmanned aircraft operated remotely, whether within

1 or beyond line-of-sight, including unmanned aerial sys-
2 tems, unmanned aerial vehicles, remotely piloted vehicles,
3 and remotely piloted aircraft.

4 **SEC. 1077. TREATMENT OF SUCCESSOR CONTINGENCY OP-**
5 **ERATION TO OPERATION IRAQI FREEDOM.**

6 Any law applicable to Operation Iraqi Freedom shall
7 apply in the same manner and to the same extent to the
8 successor contingency operation known as Operation New
9 Dawn, except as specifically provided in this Act, any
10 amendment made by this Act, or any other law enacted
11 after the date of the enactment of this Act.

12 **SEC. 1078. PROGRAM TO ASSESS THE UTILITY OF NON-LE-**
13 **THAL WEAPONS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the Secretary of Defense should support the
16 research, development, test, and evaluation, procurement,
17 and fielding of effective non-lethal weapons and tech-
18 nologies explicitly designed to, with respect to counter-
19 insurgency operations, reduce military casualties and fa-
20 talities, improve military mission accomplishment and
21 operational effectiveness, reduce civilian casualties and fa-
22 talities, and minimize undesired damage to property and
23 the environment.

24 (b) PROGRAM REQUIRED.—

1 (1) DEMONSTRATION AND ASSESSMENT.—The
2 Secretary of Defense, acting through the Executive
3 Agent for Non-lethal Weapons and in coordination
4 with the Secretaries of the military departments and
5 the combatant commanders, shall carry out a pro-
6 gram to demonstrate and assess the utility and ef-
7 fectiveness of non-lethal weapons to provide esca-
8 lation of force options in counter-insurgency oper-
9 ations.

10 (2) NON-LETHAL WEAPONS EVALUATED.—In
11 evaluating non-lethal weapons under the program
12 under this subsection, the Secretary shall include
13 non-lethal weapons designed for counter-personnel
14 and counter-materiel missions.

15 (c) REPORT.—

16 (1) REPORT REQUIRED.—Not later than Octo-
17 ber 1, 2011, the Secretary of Defense shall submit
18 to the congressional defense committees a report on
19 the role and utility of non-lethal weapons and tech-
20 nologies in counterinsurgency operations.

21 (2) ELEMENTS.—The report under paragraph
22 (1) shall include the following:

23 (A) A description of the results of any
24 demonstrations and assessments of non-lethal
25 weapons conducted during fiscal year 2011.

1 (B) A description of the Secretary's plans
2 for any demonstrations and assessments of non-
3 lethal weapons to be conducted during fiscal
4 years 2012 and 2013.

5 (C) A description of the extent to which
6 non-lethal weapons doctrine, training, and em-
7 ployment include the use of strategic commu-
8 nications strategies to enable the effective em-
9 ployment of non-lethal weapons.

10 (D) A description of the input of the mili-
11 tary departments in developing concepts of op-
12 erations and tactics, techniques, and procedures
13 for incorporating non-lethal weapons into the
14 current escalation of force procedures of each
15 department.

16 (E) A description of the extent to which
17 non-lethal weapons and technologies are inte-
18 grated into the standard equipment and train-
19 ing of military units.

20 **SEC. 1079. SENSE OF CONGRESS ON STRATEGIC NUCLEAR**
21 **FORCE REDUCTIONS.**

22 It is the sense of Congress that no action should be
23 taken to implement the reduction of the strategic nuclear
24 forces of the United States below the levels described in
25 the Treaty between the United States of America and the

1 Russian Federation on Measures for the Further Reduc-
2 tion and Limitation of Strategic Offensive Arms signed
3 on April 8, 2010 (commonly known as the “New START
4 Treaty”), unless the President submits to the congres-
5 sional defense committees a report on such reduction, in-
6 cluding—

7 (1) the justification for such reduction;

8 (2) an assessment of the strategic environment,
9 threat, and policy and the technical and operational
10 implications of such reduction; and

11 (3) written certification by the President that—

12 (A) either—

13 (i) the strategic environment or the
14 assessment of the threat allows for such
15 reduction; or

16 (ii) technical measures to provide a
17 commensurate or better level of safety, se-
18 curity, and reliability as before such reduc-
19 tion have been implemented for the re-
20 maining strategic nuclear forces of the
21 United States;

22 (B) the remaining strategic nuclear forces
23 of the United States provide a sufficient means
24 of protection against unforeseen technical chal-
25 lenges and geopolitical events;

1 (C) such reduction is compensated by other
 2 measures (such as nuclear modernization, con-
 3 ventional forces, and missile defense) that to-
 4 gether provide a commensurate or better deter-
 5 rence capability and level of credibility as before
 6 such reduction; and

7 (D) measures to modernize the nuclear
 8 weapons complex are being implemented (or
 9 have been implemented) to provide a suffi-
 10 ciently responsive infrastructure to support the
 11 remaining strategic nuclear forces of the United
 12 States.

13 **TITLE XI—CIVILIAN PERSONNEL**
 14 **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 pre-
 mium pay and aggregate limitation on pay for Federal civilian
 employees working overseas.

Sec. 1104. Extension and modification of enhanced Department of Defense ap-
 pointment 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 per-
 forming work aboard or dockside in support of the nuclear air-
 craft carrier forward deployed in Japan.

15 **SEC. 1101. CLARIFICATION OF AUTHORITIES AT PER-**
 16 **SONNEL DEMONSTRATION LABORATORIES.**

17 (a) CLARIFICATION OF APPLICABILITY OF DIRECT
 18 HIRE AUTHORITY.—Section 1108 of the Duncan Hunter
 19 National Defense Authorization Act for Fiscal Year 2009

1 (Public Law 110–417; 122 Stat. 4618; 10 U.S.C. 1580
2 note) is amended—

3 (1) in subsection (b), by striking “identified”
4 and all that follows and inserting “designated by
5 section 1105(a) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2010 (Public Law 111–84;
7 123 Stat. 2486; 10 U.S.C. 2358 note) as a Depart-
8 ment of Defense science and technology reinvention
9 laboratory.”; and

10 (2) in subsection (c), by striking “2 percent”
11 and inserting “5 percent”.

12 (b) CLARIFICATION OF APPLICABILITY OF FULL IM-
13 PLEMENTATION REQUIREMENT.—Section 1107 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2008
15 (Public Law 110–181; 122 Stat 357; 10 U.S.C. 2358
16 note) is amended—

17 (1) in subsection (a), by striking “that are ex-
18 empted by” and all that follows and inserting “des-
19 ignated by section 1105(a) of the National Defense
20 Authorization Act for Fiscal Year 2010 (Public Law
21 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note) as
22 Department of Defense science and technology re-
23 invention laboratories.”; and

24 (2) in subsection (c), by striking “as enumer-
25 ated in” and all that follows and inserting “des-

1 ignated by section 1105(a) of the National Defense
2 Authorization Act for Fiscal Year 2010 (Public Law
3 111–84; 123 Stat 2486) as a Department of De-
4 fense science and technology reinvention labora-
5 tory.”.

6 (c) CORRECTION TO SECTION REFERENCE.—Section
7 1121 of the National Defense Authorization Act for Fiscal
8 Year 2010 (123 Stat. 2505) is amended—

9 (1) in subsection (a), by striking “Section
10 9902(h) of title 5, United States Code” and insert-
11 ing “Section 9902(g) of title 5, United States Code,
12 as redesignated by section 1113(b)(1)(B)”;

13 (2) in subsection (b), by striking “section
14 9902(h) of such title 5” and inserting “such sec-
15 tion”.

16 (d) EFFECTIVE DATE.—(1) Except as provided in
17 paragraph (2), the amendments made by this section shall
18 take effect as of October 28, 2009.

19 (2) The amendment made by subsection (a)(2) shall
20 take effect as of the date of enactment of this Act.

21 **SEC. 1102. REQUIREMENTS FOR DEPARTMENT OF DEFENSE**

22 **SENIOR MENTORS.**

23 (a) IN GENERAL.—The Secretary of Defense shall
24 issue appropriate policies and procedures to ensure that

1 all senior mentors employed by the Department of Defense
2 are—

3 (1) hired as highly qualified experts under sec-
4 tion 9903 of title 5, United States Code; and

5 (2) required to comply with all applicable Fed-
6 eral laws and regulations on personnel and ethics
7 matters.

8 (b) SENIOR MENTOR DEFINED.—In this section, the
9 term “senior mentor” means a retired flag, general, or
10 other military officer or retired senior civilian official who
11 provides expert experience-based mentoring, teaching,
12 training, advice, and recommendations to senior military
13 officers, staffs, and students as they participate in war
14 games, warfighting courses, operational planning, oper-
15 ational exercises, and decision-making exercises.

16 **SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
17 **ANNUAL LIMITATION ON PREMIUM PAY AND**
18 **AGGREGATE LIMITATION ON PAY FOR FED-**
19 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
20 **SEAS.**

21 Effective January 1, 2011, section 1101(a) of the
22 Duncan Hunter National Defense Authorization Act for
23 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),
24 as amended by section 1106(a) of the National Defense
25 Authorization Act for Fiscal Year 2010 (Public Law 111–

1 84; 123 Stat. 2487), is further amended by striking “cal-
2 endar years 2009 and 2010” and inserting “calendar
3 years 2009 through 2011”.

4 **SEC. 1104. EXTENSION AND MODIFICATION OF ENHANCED**
5 **DEPARTMENT OF DEFENSE APPOINTMENT**
6 **AND COMPENSATION AUTHORITY FOR PER-**
7 **SONNEL FOR CARE AND TREATMENT OF**
8 **WOUNDED AND INJURED MEMBERS OF THE**
9 **ARMED FORCES.**

10 (a) DESIGNATION OF OCCUPATIONS COVERED BY
11 RECRUITMENT AND APPOINTMENT AUTHORITY.—Sub-
12 section (a)(2) of section 1599c of title 10, United States
13 Code, is amended—

14 (1) in subparagraph (A)—

15 (A) in clause (i), by striking “shortage cat-
16 egory positions” and inserting “a shortage cat-
17 egory occupation or critical need occupation”;
18 and

19 (B) in clause (ii), by striking “highly quali-
20 fied persons directly” and inserting “qualified
21 persons directly in the competitive service”; and

22 (2) by adding at the end the following new sub-
23 paragraph:

24 “(C) Any designation by the Secretary for purposes
25 of subparagraph (A)(i) shall be based on an analysis of

1 current and future Department of Defense workforce re-
2 quirements.”.

3 (b) EXTENSION.—Subsection (c) of such section is
4 amended—

5 (1) in paragraph (1)—

6 (A) by inserting “under subsection (a)(1)”
7 after “Secretary of Defense”; and

8 (B) by striking “September 30, 2012” and
9 inserting “December 31, 2015”; and

10 (2) in paragraph (2), by striking “September
11 30, 2012” and inserting “December 31, 2015”.

12 **SEC. 1105. RATE OF OVERTIME PAY FOR DEPARTMENT OF**
13 **THE NAVY EMPLOYEES PERFORMING WORK**
14 **ABOARD OR DOCKSIDE IN SUPPORT OF THE**
15 **NUCLEAR AIRCRAFT CARRIER FORWARD DE-**
16 **PLOYED IN JAPAN.**

17 (a) OVERTIME PAY AT TIME-AND-A-HALF RATE.—
18 Section 5542(a) of title 5, United States Code, is amended
19 by adding at the end the following new paragraph:

20 “(6)(A) Notwithstanding paragraphs (1) and
21 (2), for an employee of the Department of the Navy
22 who is assigned to temporary duty to perform work
23 aboard, or dockside in direct support of, the nuclear
24 aircraft carrier that is forward deployed in Japan
25 and who would be nonexempt under the Fair Labor

1 Standards Act but for the application of the foreign
2 area exemption in section 13(f) of that Act (29
3 U.S.C. 213(f)), the overtime hourly rate of pay is an
4 amount equal to one and one-half times the hourly
5 rate of basic pay of the employee, and all that
6 amount is premium pay.

7 “(B) Subparagraph (A) shall expire on Sep-
8 tember 30, 2014.”.

9 (b) REPORTS.—

10 (1) SECRETARY OF NAVY REPORT.—Not later
11 than September 30, 2013, the Secretary of the Navy
12 shall submit to the Secretary of Defense and the Di-
13 rector of the Office of Personnel Management a re-
14 port that—

15 (A) describes the use of the authority
16 under paragraph (6) of section 5542(a) of title
17 5, United States Code, as added by subsection
18 (a), including associated costs, and including an
19 evaluation of the extent to which exercise of the
20 authority helped the Navy in meeting its mis-
21 sion; and

22 (B) provides a recommendation on whether
23 an extension of the provisions of that paragraph
24 is needed.

1 (2) REPORT TO CONGRESS.—Not later than
2 March 31, 2014, the Director of the Office of Per-
3 sonnel Management shall submit to the Committee
4 on Armed Services and the Committee on Homeland
5 Security and Governmental Affairs of the Senate
6 and the Committee on Armed Services and the Com-
7 mittee on Oversight and Governmental Reform of
8 the House of Representatives a report that—

9 (A) addresses the use of paragraph (6) of
10 section 5542(a) of title 5, United States Code,
11 as so added, including associated costs, and in-
12 cluding an evaluation of the extent to which ex-
13 ercise of the authority helped the Navy in meet-
14 ing its mission;

15 (B) describes the extent to which other em-
16 ployees experience the same circumstances as
17 were experienced by those described in that
18 paragraph before its enactment;

19 (C) provides an analysis of the advantages
20 and disadvantages that would be anticipated
21 from extending the expiration date of the au-
22 thority under that paragraph, and from expand-
23 ing the authority under that paragraph to in-
24 clude other employees; and

1 (D) conveys the report of the Secretary of
 2 the Navy referred to in paragraph (1).

3 **TITLE XII—MATTERS RELATING**
 4 **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.

1 **Subtitle A—Assistance and**
 2 **Training**

3 **SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF**
 4 **SPECIAL OPERATIONS TO COMBAT TER-**
 5 **RORISM.**

6 Section 1208(a) of the Ronald W. Reagan National
 7 Defense Authorization Act for Fiscal Year 2005 (Public
 8 Law 108–375; 118 Stat. 2086), as most recently amended
 9 by section 1202(a) of the National Defense Authorization
 10 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
 11 2511), is further amended by striking “\$40,000,000” and
 12 inserting “\$45,000,000”.

13 **SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES**
 14 **TO ENHANCED LOGISTICS INTEROPER-**
 15 **ABILITY AUTHORITY.**

16 (a) ENHANCED INTEROPERABILITY AUTHORITY.—
 17 Subsection (a) of section 127d of title 10, United States
 18 Code, is amended—

1 (1) by inserting “(1)” before “Subject to”;

2 (2) by inserting “of the United States” after
3 “armed forces”;

4 (3) by striking the second sentence; and

5 (4) by adding at the end the following new
6 paragraphs:

7 “(2) In addition to any logistic support, supplies, and
8 services provided under paragraph (1), the Secretary may
9 provide logistic support, supplies, and services to allied
10 forces solely for the purpose of enhancing the interoper-
11 ability of the logistical support systems of military forces
12 participating in combined operations with the United
13 States in order to facilitate such operations. Such logistic
14 support, supplies, and services may also be provided under
15 this paragraph to a nonmilitary logistics, security, or simi-
16 lar agency of an allied government if such provision would
17 directly benefit the armed forces of the United States.

18 “(3) Provision of support, supplies, and services pur-
19 suant to paragraph (1) or (2) may be made only with the
20 concurrence of the Secretary of State.”.

21 (b) CONFORMING AMENDMENTS.—Such section is
22 further amended—

23 (1) in subsection (b), by striking “subsection
24 (a)” in paragraphs (1) and (2) and inserting “sub-
25 section (a)(1)”;

1 (2) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) by striking “Except as provided in
4 paragraph (2), the” and inserting “The”;
5 and

6 (ii) by striking “this section” and in-
7 serting “subsection (a)(1)”; and

8 (B) in paragraph (2), by striking “In addi-
9 tion” and all that follows through “fiscal year,”
10 and inserting “The value of the logistic support,
11 supplies, and services provided under subsection
12 (a)(2) in any fiscal year may not”.

13 **SEC. 1203. EXPANSION OF TEMPORARY AUTHORITY TO USE**
14 **ACQUISITION AND CROSS-SERVICING AGREE-**
15 **MENTS TO LEND CERTAIN MILITARY EQUIP-**
16 **MENT TO CERTAIN FOREIGN FORCES FOR**
17 **PERSONNEL PROTECTION AND SURVIV-**
18 **ABILITY.**

19 (a) EXPANSION FOR TRAINING FOR DEPLOYMENT.—
20 Paragraph (3) of section 1202(a) of the John Warner Na-
21 tional Defense Authorization Act for Fiscal Year 2007
22 (Public Law 109–364; 120 Stat. 2412), as most recently
23 amended by section 1252(a) of the National Defense Au-
24 thorization Act for Fiscal Year 2009 (Public Law 110–
25 181; 122 Stat. 402), is further amended—

1 (1) by striking “only in Iraq or Afghanistan, or
2 in a peacekeeping operation described in paragraph
3 (1), as applicable, and”; and

4 (2) by striking “those forces.” and inserting
5 “those forces and only—

6 “(A) in Iraq or Afghanistan;

7 “(B) in a peacekeeping operation described
8 in paragraph (1); or

9 “(C) in connection with the training of
10 those forces to be deployed to Iraq, Afghani-
11 stan, or a peacekeeping operation described in
12 paragraph (1) for such deployment.”.

13 (b) NOTICE AND WAIT ON EXERCISE OF ADDITIONAL
14 AUTHORITY.—Such section is further amended by adding
15 at the end the following new paragraph:

16 “(5) NOTICE AND WAIT ON PROVISION OF
17 EQUIPMENT FOR CERTAIN PURPOSES.—Equipment
18 may not be provided under paragraph (1) in connec-
19 tion with training as specified in paragraph (3)(C)
20 until 15 days after the date on which the Secretary
21 of Defense submits to the specified congressional
22 committees written notice on the provision of such
23 equipment for such purpose.”.

1 **SEC. 1204. AUTHORITY TO PAY PERSONNEL EXPENSES IN**
2 **CONNECTION WITH AFRICAN COOPERATION.**

3 (a) IN GENERAL.—Chapter 53 of title 10, United
4 States Code, is amended by inserting after section 1050
5 the following new section:

6 **“§ 1050a. African cooperation: payment of personnel**
7 **expenses**

8 “The Secretary of Defense or the Secretary of a mili-
9 tary department may pay the travel, subsistence, and spe-
10 cial compensation of officers and students of African coun-
11 tries and other expenses that the Secretary considers nec-
12 essary for African cooperation.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 53 of such title is amended
15 by inserting after the item relating to section 1050 the
16 following new item:

“1050a. African cooperation: payment of personnel expenses.”.

17 **SEC. 1205. AUTHORITY TO BUILD THE CAPACITY OF YEMEN**
18 **MINISTRY OF INTERIOR COUNTER TER-**
19 **RORISM FORCES.**

20 (a) AUTHORITY.—The Secretary of Defense may,
21 with the concurrence of the Secretary of State, provide
22 assistance during fiscal year 2011 to enhance the ability
23 of the Yemen Ministry of Interior Counter Terrorism
24 Forces to conduct counterterrorism operations against al
25 Qaeda in the Arabian Peninsula and its affiliates.

1 (b) TYPES OF ASSISTANCE.—

2 (1) AUTHORIZED ELEMENTS.—Assistance
3 under subsection (a) may include the provision of
4 equipment, supplies, and training.

5 (2) REQUIRED ELEMENTS.—Assistance under
6 subsection (a) shall be provided in a manner that
7 promotes—

8 (A) observance of and respect for human
9 rights and fundamental freedoms; and

10 (B) respect for legitimate civilian authority
11 in Yemen.

12 (3) ASSISTANCE OTHERWISE PROHIBITED BY
13 LAW.—The Secretary of Defense may not use the
14 authority in subsection (a) to provide any type of as-
15 sistance described in this subsection that is other-
16 wise prohibited by any provision of law.

17 (c) FUNDING.—Of the amount authorized to be ap-
18 propriated by section 301 for operation and maintenance
19 for fiscal year 2011, \$75,000,000 may be utilized to pro-
20 vide assistance under subsection (a).

21 (d) NOTICE TO CONGRESS.—

22 (1) IN GENERAL.—Not less than 15 days before
23 providing assistance under subsection (a), the Sec-
24 retary of Defense shall submit to the committees of
25 Congress specified in paragraph (2) a notice setting

1 forth the assistance to be provided, including the
2 types of such assistance, the budget for such assist-
3 ance, and the completion date for the provision of
4 such assistance.

5 (2) COMMITTEES OF CONGRESS.—The commit-
6 tees of Congress specified in this paragraph are—

7 (A) the Committee on Armed Services, the
8 Committee on Foreign Relations, and the Com-
9 mittee on Appropriations of the Senate; and

10 (B) the Committee on Armed Services, the
11 Committee on Foreign Affairs, and the Com-
12 mittee on Appropriations of the House of Rep-
13 resentatives.

14 **SEC. 1206. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP**
15 **FOR PEACE NATIONS TO PARTICIPATE IN**
16 **THE EURO-NATO JOINT JET PILOT TRAINING**
17 **PROGRAM.**

18 (a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—
19 The Secretary of the Air Force may establish and main-
20 tain a demonstration scholarship program to allow per-
21 sonnel of the air forces of countries that are signatories
22 of the Partnership for Peace Framework Document to re-
23 ceive undergraduate pilot training and necessary related
24 training through the Euro-NATO Joint Jet Pilot Training
25 (ENJJPT) program. The Secretary of the Air Force shall

1 establish the program pursuant to regulations prescribed
2 by the Secretary of Defense in consultation with the Sec-
3 retary of State.

4 (b) TRANSPORTATION, SUPPLIES, AND ALLOW-
5 ANCE.—Under such conditions as the Secretary of the Air
6 Force may prescribe, the Secretary may provide to a per-
7 son receiving a scholarship under the scholarship pro-
8 gram—

9 (1) transportation incident to the training re-
10 ceived under the ENJJPT program;

11 (2) supplies and equipment to be used during
12 the training;

13 (3) flight clothing and other special clothing re-
14 quired for the training;

15 (4) billeting, food, and health services; and

16 (5) a living allowance at a rate to be prescribed
17 by the Secretary, taking into account the amount of
18 living allowances authorized for a member of the
19 Armed Forces of the United States under similar
20 circumstances.

21 (c) RELATION TO EURO-NATO JOINT JET PILOT
22 TRAINING PROGRAM.—

23 (1) ENJJPT STEERING COMMITTEE AUTHOR-
24 ITY.—Nothing in this section shall be construed or
25 interpreted to supersede the authority of the

1 ENJJPT Steering Committee under the ENJJPT
2 Memorandum of Understanding. Pursuant to the
3 ENJJPT Memorandum of Understanding, the
4 ENJJPT Steering Committee may resolve to forbid
5 any airman or airmen from a Partnership for Peace
6 nation to participate in the Euro-NATO Joint Jet
7 Pilot Training program under the authority of a
8 scholarship under this section.

9 (2) NO REPRESENTATION.—Countries whose
10 air force personnel receive scholarships under the
11 scholarship program shall not have privilege of
12 ENJJPT Steering Committee representation.

13 (d) LIMITATION ON ELIGIBLE COUNTRIES.—The
14 Secretary of the Air Force may not use the authority in
15 subsection (a) to provide assistance described in sub-
16 section (b) to any foreign country that is otherwise prohib-
17 ited from receiving such type of assistance under the For-
18 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or
19 any other provision of law.

20 (e) COST-SHARING.—For purposes of ENJJPT cost-
21 sharing, personnel of an air force of a foreign country who
22 receive a scholarship under the scholarship program may
23 be counted as United States pilots.

24 (f) PROGRESS REPORT.—Not later than February 1,
25 2012, the Secretary of the Air Force shall submit to the

1 congressional defense committees, the Committee on For-
2 eign Affairs of the House of Representatives, and the
3 Committee on Foreign Relations of the Senate a report
4 on the status of the demonstration program, including the
5 opinion of the Secretary and NATO allies on the benefits
6 of the program and whether or not to permanently author-
7 ize the program or extend the program beyond fiscal year
8 2012. The report shall specify the following:

9 (1) The countries participating in the scholar-
10 ship program.

11 (2) The total number of foreign pilots who re-
12 ceived scholarships under the scholarship program.

13 (3) The amount expended on scholarships
14 under the scholarship program.

15 (4) The source of funding for scholarships
16 under the scholarship program.

17 (g) DURATION.—No scholarship may be awarded
18 under the scholarship program after September 30, 2012.

19 (h) FUNDING SOURCE.—Amounts to award scholar-
20 ships under the scholarship program shall be derived from
21 amounts authorized to be appropriated for operation and
22 maintenance for the Air Force.

1 **SEC. 1207. MODIFICATION AND EXTENSION OF AUTHORI-**
2 **TIES RELATING TO PROGRAM TO BUILD THE**
3 **CAPACITY OF FOREIGN MILITARY FORCES.**

4 (a) TEMPORARY LIMITATION ON AMOUNT FOR
5 BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT
6 MILITARY AND STABILITY OPERATIONS.—

7 (1) IN GENERAL.—Subsection (c)(5) of section
8 1206 of the National Defense Authorization Act for
9 Fiscal Year 2006 (Public Law 109–163; 119 Stat.
10 3456), as added by section 1206(a) of the National
11 Defense Authorization Act for Fiscal Year 2010
12 (Public Law 111–84; 123 Stat. 2514), is further
13 amended—

14 (A) by striking “and not more than” and
15 inserting “not more than”; and

16 (B) by inserting after “fiscal year 2011”
17 the following: “, and not more than
18 \$100,000,000 may be used during fiscal year
19 2012”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall take effect on the date of the
22 enactment of this Act and shall apply with respect
23 to programs under subsection (a) of such section
24 that begin on or after that date.

25 (b) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
26 section (g) of such section, as most recently amended by

1 section 1206(c) of the Duncan Hunter National Defense
2 Authorization Act for Fiscal Year 2009 (Public Law 110–
3 417; 122 Stat. 4625), is further amended by—

4 (1) by striking “September 30, 2011” and in-
5 serting “September 30, 2012”; and

6 (2) by striking “fiscal years 2006 through
7 2011” and inserting “fiscal years 2006 through
8 2012”.

9 **Subtitle B—Matters Relating to**
10 **Iraq, Afghanistan, and Pakistan**

11 **SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR**
12 **CERTAIN PURPOSES RELATING TO IRAQ.**

13 No funds appropriated pursuant to an authorization
14 of appropriations in this Act may be obligated or expended
15 for a purpose as follows:

16 (1) To establish any military installation or
17 base for the purpose of providing for the permanent
18 stationing of United States Armed Forces in Iraq.

19 (2) To exercise United States control of the oil
20 resources of Iraq.

21 **SEC. 1212. ONE-YEAR EXTENSION AND MODIFICATION OF**
22 **COMMANDERS’ EMERGENCY RESPONSE PRO-**
23 **GRAM.**

24 (a) ONE-YEAR EXTENSION OF CERP AUTHORITY.—
25 Subsection (a) of section 1202 of the National Defense

1 Authorization Act for Fiscal Year 2006 (Public Law 109–
2 163; 119 Stat. 3455), as most recently amended by sec-
3 tion 1222 of the National Defense Authorization Act for
4 Fiscal Year 2010 (Public Law 111–84; 123. Stat. 2518),
5 is further amended—

6 (1) in the subsection heading, by striking “FIS-
7 CAL YEAR 2010” and inserting “FISCAL YEAR
8 2011”;

9 (2) by striking “fiscal year 2010” and inserting
10 “fiscal year 2011”; and

11 (3) by striking “operation and maintenance”
12 and all that follows and inserting “operation and
13 maintenance—

14 “(1) not to exceed \$100,000,000 may be used
15 by the Secretary of Defense in such fiscal year to
16 provide funds for the Commanders’ Emergency Re-
17 sponse Program in Iraq; and

18 “(2) not to exceed \$400,000,000 may be used
19 by the Secretary of Defense in such fiscal year to
20 provide funds for the Commanders’ Emergency Re-
21 sponse Program in Afghanistan.”.

22 (b) QUARTERLY REPORTS.—Subsection (a) of such
23 section, as so amended, is further amended—

24 (1) by redesignating paragraph (3) as para-
25 graph (4); and

1 (2) by inserting after paragraph (2) the fol-
2 lowing new paragraph:

3 “(3) FORM OF REPORTS.—Each report required
4 under paragraph (1) shall be submitted, at a min-
5 imum, in a searchable electronic format that enables
6 the congressional defense committees to sort the re-
7 port by amount expended, location of each project,
8 type of project, or any other field of data that is in-
9 cluded in the report.”.

10 (c) RESTRICTION ON AMOUNT OF PAYMENTS; NOTI-
11 FICATION.—Such section, as so amended, is further
12 amended—

13 (1) by redesignating subsection (g) as sub-
14 section (i); and

15 (2) by inserting after subsection (f) the fol-
16 lowing new subsections:

17 “(g) RESTRICTION ON AMOUNT OF PAYMENTS.—
18 Funds made available under this section for the Com-
19 manders’ Emergency Response Program may not be obli-
20 gated or expended to carry out any project if the total
21 amount of funds made available for the purpose of car-
22 rying out the project, including any ancillary or related
23 elements of the project, exceeds \$20,000,000.

24 “(h) NOTIFICATION.—Not less than 15 days before
25 obligating or expending funds made available under this

1 section for the Commanders' Emergency Response Pro-
2 gram for a project in Afghanistan with a total anticipated
3 cost of \$5,000,000 or more, the Secretary of Defense shall
4 submit to the congressional defense committees a written
5 notice containing the following information:

6 “(1) The location, nature, and purpose of the
7 proposed project, including how the project is in-
8 tended to advance the military campaign plan for
9 Afghanistan.

10 “(2) The budget and implementation timeline
11 for the proposed project, including any other funding
12 under the Commanders' Emergency Response Pro-
13 gram that has been or is anticipated to be contrib-
14 uted to the completion of the project.

15 “(3) A plan for the sustainment of the proposed
16 project, including any agreement with either the
17 Government of Afghanistan, a department or agency
18 of the United States Government other than the De-
19 partment of Defense, or a third party contributor to
20 finance the sustainment of the activities and mainte-
21 nance of any equipment or facilities to be provided
22 through the proposed project”.

23 (d) DEFINITION.—Subsection (i) of such section, as
24 redesignated by subsection (c)(1) of this section, is amend-

1 ed by striking “means the program” and all that follows
2 and inserting “means the program that—

3 “(1) authorizes United States military com-
4 manders to carry out small-scale projects designed
5 to meet urgent humanitarian relief requirements or
6 urgent reconstruction requirements within their
7 areas of responsibility; and

8 “(2) provides an immediate and direct benefit
9 to the people of Iraq or Afghanistan.”.

10 **SEC. 1213. EXTENSION OF AUTHORITY FOR REIMBURSE-**
11 **MENT OF CERTAIN COALITION NATIONS FOR**
12 **SUPPORT PROVIDED TO UNITED STATES**
13 **MILITARY OPERATIONS.**

14 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of
15 section 1233 of the National Defense Authorization Act
16 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
17 393), as amended by section 1223 of the National Defense
18 Authorization Act for Fiscal Year 2010 (Public Law 111–
19 84; 123 Stat. 2519), is further amended by striking “sec-
20 tion 1509(5) of the National Defense Authorization Act
21 for Fiscal Year 2010” and inserting “section 1510 of the
22 Ike Skelton National Defense Authorization Act for Fiscal
23 Year 2011”.

24 (b) **LIMITATION ON AMOUNT.**—Subsection (d)(1) of
25 such section, as so amended, is further amended in the

1 second sentence by inserting “or 2011” after “fiscal year
2 2010”.

3 (c) EXCEPTION FROM NOTICE TO CONGRESS RE-
4 QUIREMENTS.—Subsection (e) of such section, as so
5 amended, is further amended—

6 (1) by striking “(e) NOTICE TO CONGRESS.—
7 The Secretary of Defense” and inserting the fol-
8 lowing:

9 “(e) NOTICE TO CONGRESS.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), the Secretary of Defense”; and

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

14 “(2) EXCEPTION.—The requirement to provide
15 notice under paragraph (1) shall not apply with re-
16 spect to a reimbursement for access based on an
17 international agreement.”.

18 (d) EXTENSION OF NOTICE REQUIREMENT RELAT-
19 ING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT
20 PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the Na-
21 tional Defense Authorization Act for Fiscal Year 2008
22 (122 Stat. 393), as most recently amended by section
23 1223 of the National Defense Authorization Act for Fiscal
24 Year 2010, is further amended by striking “September 30,
25 2011” and inserting “September 30, 2012”.

1 **SEC. 1214. EXTENSION OF AUTHORITY TO TRANSFER DE-**
2 **ENSE ARTICLES AND PROVIDE DEFENSE**
3 **SERVICES TO THE MILITARY AND SECURITY**
4 **FORCES OF IRAQ AND AFGHANISTAN.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (h) of
6 section 1234 of the National Defense Authorization Act
7 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
8 2532) is amended by striking “September 30, 2010” and
9 inserting “December 31, 2011”.

10 (b) **QUARTERLY REPORTS.**—Subsection (f)(1) of
11 such section is amended by striking “during fiscal year
12 2010” and inserting “through March 31, 2012”.

13 **SEC. 1215. NO PERMANENT MILITARY BASES IN AFGHANI-**
14 **STAN.**

15 None of the funds authorized to be appropriated by
16 this Act may be obligated or expended by the United
17 States Government to establish any military installation
18 or base for the purpose of providing for the permanent
19 stationing of United States Armed Forces in Afghanistan.

20 **SEC. 1216. AUTHORITY TO USE FUNDS FOR REINTEGRA-**
21 **TION ACTIVITIES IN AFGHANISTAN.**

22 (a) **AUTHORITY.**—The Secretary of Defense, with the
23 concurrence of the Secretary of State, may utilize not
24 more than \$50,000,000 from funds made available to the
25 Department of Defense for operation and maintenance for

1 fiscal year 2011 to support the reintegration into Afghan
2 society of those individuals who pledge—

3 (1) to cease all support for the insurgency in
4 Afghanistan;

5 (2) to live in accordance with the Constitution
6 of Afghanistan;

7 (3) to cease violence against the Government of
8 Afghanistan and its international partners; and

9 (4) that they do not have material ties to al
10 Qaeda or affiliated transnational terrorist organiza-
11 tions.

12 (b) SUBMISSION OF GUIDANCE.—

13 (1) INITIAL SUBMISSION.—Not later than 30
14 days after the date of the enactment of this Act, the
15 Secretary of Defense shall submit to the congress-
16 sional defense committees a copy of the guidance
17 issued by the Secretary or the Secretary's designee
18 concerning the allocation of funds utilizing the au-
19 thority of subsection (a). Such guidance shall in-
20 clude—

21 (A) mechanisms for coordination with the
22 Government of Afghanistan and other United
23 States Government departments and agencies
24 as appropriate; and

1 (B) mechanisms to track rates of recidi-
2 vism among individuals described in subsection
3 (a).

4 (2) MODIFICATIONS.—If the guidance in effect
5 for the purpose stated in paragraph (1) is modified,
6 the Secretary of Defense shall submit to the con-
7 gressional defense committees a copy of the modi-
8 fication not later than 15 days after the date on
9 which such modification is made.

10 (c) REPORTS.—Not later than 180 days after the
11 date of the enactment of this Act, and every 180 days
12 thereafter, the Secretary of Defense shall submit to the
13 appropriate congressional committees a report on activi-
14 ties carried out utilizing the authority of subsection (a).

15 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
16 DEFINED.—In this section, the term “appropriate con-
17 gressional committees” means—

18 (1) the congressional defense committees; and

19 (2) the Committee on Foreign Affairs of the
20 House of Representative and the Committee on For-
21 eign Relations of the Senate.

22 (e) EXPIRATION.—The authority to utilize funds
23 under subsection (a) shall expire at the close of December
24 31, 2011.

1 **SEC. 1217. AUTHORITY TO ESTABLISH A PROGRAM TO DE-**
2 **VELOP AND CARRY OUT INFRASTRUCTURE**
3 **PROJECTS IN AFGHANISTAN.**

4 (a) **AUTHORITY.**—The Secretary of Defense and the
5 Secretary of State are authorized to establish a program
6 to develop and carry out infrastructure projects in Afghan-
7 istan in accordance with the requirements of this section.

8 (b) **FORMULATION AND EXECUTION OF PROGRAM.**—

9 (1) **IN GENERAL.**—The Secretary of State and
10 the Secretary of Defense shall jointly develop any
11 project under the program authorized under sub-
12 section (a). Except as provided in paragraph (2), the
13 Secretary of State, in coordination with the Sec-
14 retary of Defense, shall implement any project under
15 the program authorized under subsection (a).

16 (2) **EXCEPTION.**—The Secretary of Defense
17 shall implement a project under the program author-
18 ized under subsection (a) if the Secretary of Defense
19 and the Secretary of State jointly determine that the
20 Secretary of Defense should implement the project.

21 (c) **TYPES OF PROJECTS.**—Infrastructure projects
22 under the program authorized under subsection (a) may
23 include—

24 (1) water, power, and transportation projects;
25 and

1 (2) other projects in support of the counter-
2 insurgency strategy in Afghanistan.

3 (d) **AUTHORITY IN ADDITION TO OTHER AUTHORI-**
4 **TIES.**—The authority to establish the program and de-
5 velop and carry out infrastructure projects under sub-
6 section (a) is in addition to any other authority to provide
7 assistance to foreign countries.

8 (e) **APPLICABILITY OF CERTAIN ADMINISTRATIVE**
9 **PROVISIONS.**—

10 (1) **IN GENERAL.**—The administrative provi-
11 sions of chapter 2 of part III of the Foreign Assist-
12 ance Act of 1961 (22 U.S.C. 2381 et seq.) shall
13 apply to funds made available to the Secretary of
14 State for purposes of carrying out infrastructure
15 projects under the program authorized under sub-
16 section (a) to the same extent and in the same man-
17 ner as such administrative provisions apply to funds
18 made available to carry out part I of the Foreign
19 Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

20 (2) **GIFTS, ETC.**—The Secretary of Defense and
21 the Secretary of State may accept and use in fur-
22 therance of the purposes of this section, money,
23 funds, property, and services of any kind made avail-
24 able by gift, devise, bequest, grant, or otherwise for
25 such purposes.

1 (f) FUNDING.—

2 (1) IN GENERAL.—The Secretary of Defense
3 may use up to \$400,000,000 of funds made avail-
4 able to the Department of Defense for operation and
5 maintenance for fiscal year 2011 to carry out the
6 program authorized under subsection (a).

7 (2) AVAILABILITY.—Funds made available by
8 paragraph (1) are authorized to remain available
9 until September 30, 2012.

10 (g) CONGRESSIONAL NOTIFICATION.—The Secretary
11 of Defense shall notify the appropriate congressional com-
12 mittees not less than 30 days before obligating or expend-
13 ing funds to carry out a project or transferring funds to
14 the Secretary of State for the purpose of implementing
15 a project under the program authorized under subsection
16 (a). Such notification shall be in writing and contain a
17 description of the details of the proposed project, includ-
18 ing—

19 (1) a plan for the sustainment of the project;
20 and

21 (2) a description of how the project supports
22 the counterinsurgency strategy in Afghanistan.

23 (h) RETURN OF UNEXPENDED FUNDS.—

24 (1) IN GENERAL.—Any unexpended funds
25 transferred to the Secretary of State for the purpose

1 of implementing a project under the program au-
2 thORIZED under subsection (a) shall be returned to
3 the Secretary of Defense if the Secretary of State,
4 in coordination with the Secretary of Defense, deter-
5 mines that the project cannot be implemented for
6 any reason or that the project no longer supports
7 the counterinsurgency strategy in Afghanistan.

8 (2) AVAILABILITY.—Any funds returned to the
9 Secretary of Defense under this subsection shall be
10 available for use under this section and shall be
11 treated in the same manner as funds not transferred
12 to the Secretary of State.

13 (i) REPORTS.—

14 (1) REPORT REQUIRED.—Not later than 30
15 days after the end of each fiscal year in which funds
16 are obligated, expended, or transferred under the
17 program authorized under subsection (a), the Sec-
18 retary of Defense, in coordination with the Secretary
19 of State, shall submit to the appropriate congress-
20 sional committees a report regarding implementation
21 of the program during such fiscal year.

22 (2) MATTERS TO BE INCLUDED.—The report
23 required under paragraph (1) shall include the fol-
24 lowing:

1 (A) The allocation and use of funds under
2 the program during the fiscal year.

3 (B) A description of each project for which
4 funds were expended or transferred during the
5 fiscal year.

6 (j) DEFINITION.—In this section, the term “appro-
7 priate congressional committees” means—

8 (1) the Committee on Armed Services, the
9 Committee on Foreign Affairs, and the Committee
10 on Appropriations of the House of Representatives;
11 and

12 (2) the Committee on Armed Services, the
13 Committee on Foreign Relations, and the Committee
14 on Appropriations of the Senate.

15 **SEC. 1218. EXTENSION OF LOGISTICAL SUPPORT FOR COA-**
16 **LITION FORCES SUPPORTING OPERATIONS**
17 **IN IRAQ AND AFGHANISTAN.**

18 Section 1234 of the National Defense Authorization
19 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
20 394) is amended by striking “fiscal year 2008” each place
21 it appears and inserting “fiscal year 2011”.

1 **SEC. 1219. RECOMMENDATIONS ON OVERSIGHT OF CON-**
2 **TRACTORS ENGAGED IN ACTIVITIES RELAT-**
3 **ING TO AFGHANISTAN.**

4 (a) **RECOMMENDATIONS REQUIRED.**—Not later than
5 90 days after the date of the enactment of this Act, the
6 Special Inspector General for Afghanistan Reconstruction
7 shall, in consultation with the Inspector General of the De-
8 partment of Defense, the Inspector General of the United
9 States Agency for International Development, and the In-
10 spector General of the Department of State—

11 (1) issue recommendations on measures to in-
12 crease oversight of contractors engaged in activities
13 relating to Afghanistan;

14 (2) report on the status of efforts of the De-
15 partment of Defense, the United States Agency for
16 International Development, and the Department of
17 State to implement existing recommendations re-
18 garding oversight of such contractors; and

19 (3) report on the extent to which military and
20 security contractors or subcontractors engaged in ac-
21 tivities relating to Afghanistan have been responsible
22 for the deaths of Afghan civilians.

23 (b) **ELEMENTS OF RECOMMENDATIONS.**—The rec-
24 ommendations issued under subsection (a)(1) shall include
25 recommendations for reducing the reliance of the United
26 States on—

1 (1) military and security contractors or sub-
2 contractors engaged in activities relating to Afghani-
3 stan that have been responsible for the deaths of Af-
4 ghan civilians; and

5 (2) Afghan militias or other armed groups that
6 are not part of the Afghan National Security Forces.

7 **SEC. 1220. EXTENSION AND MODIFICATION OF PAKISTAN**
8 **COUNTERINSURGENCY FUND.**

9 (a) **EXTENSION.**—Subsection (h) of section 1224 of
10 the National Defense Authorization Act for Fiscal Year
11 2010 (Public Law 111–84; 123 Stat. 2521) is amended
12 by striking “September 30, 2010” both places it appears
13 and inserting “September 30, 2011”.

14 (b) **REQUIRED ELEMENTS OF ASSISTANCE.**—Sub-
15 section (b) of such section is amended—

16 (1) by redesignating paragraph (2) as para-
17 graph (3); and

18 (2) by inserting after paragraph (1) the fol-
19 lowing new paragraph (2):

20 “(2) **REQUIRED ELEMENTS OF ASSISTANCE.**—
21 Assistance provided to the security forces of Paki-
22 stan under this section in a fiscal year after fiscal
23 year 2010 shall be provided in a manner that pro-
24 motes—

1 “(A) observance of and respect for human
2 rights and fundamental freedoms; and

3 “(B) respect for legitimate civilian author-
4 ity within Pakistan.”.

5 **Subtitle C—Reports and Other** 6 **Matters**

7 **SEC. 1231. ONE-YEAR EXTENSION OF REPORT ON** 8 **PROGRESS TOWARD SECURITY AND STA-** 9 **BILITY IN AFGHANISTAN.**

10 Section 1230(a) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
12 Stat. 385), as amended by section 1236 of the National
13 Defense Authorization Act for Fiscal Year 2010 (Public
14 Law 111–81; 123 Stat. 2535), is further amended by
15 striking “2011” and inserting “2012”.

16 **SEC. 1232. TWO-YEAR EXTENSION OF UNITED STATES PLAN** 17 **FOR SUSTAINING THE AFGHANISTAN NA-** 18 **TIONAL SECURITY FORCES.**

19 Section 1231(a) of the National Defense Authoriza-
20 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
21 Stat. 390) is amended by striking “2010” and inserting
22 “2012”.

1 **SEC. 1233. MODIFICATION OF REPORT ON RESPONSIBLE**
2 **REDEPLOYMENT OF UNITED STATES ARMED**
3 **FORCES FROM IRAQ.**

4 (a) **REPORT REQUIRED.**—Subsection (a) of section
5 1227 of the National Defense Authorization Act for Fiscal
6 Year 2010 (Public Law 111–84; 123 Stat. 2525; 50
7 U.S.C. 1541 note) is amended—

8 (1) by striking “December 31, 2009” and in-
9 serting “December 31, 2010”; and

10 (2) by striking “90 days thereafter” and insert-
11 ing “180 days thereafter”.

12 (b) **ELEMENTS.**—Subsection (b) of such section is
13 amended—

14 (1) in paragraph (5), by striking “Multi-Na-
15 tional Force–Iraq” each place it occurs and inserting
16 “United States Forces–Iraq”; and

17 (2) by adding at the end the following:

18 “(6) An assessment of progress to transfer re-
19 sponsibility of programs, projects, and activities car-
20 ried out in Iraq by the Department of Defense to
21 other United States Government departments and
22 agencies, international or nongovernmental entities,
23 or the Government of Iraq. The assessment should
24 include a description of the numbers and categories
25 of programs, projects, and activities for which such
26 other entities have taken responsibility or which

1 have been discontinued by the Department of De-
2 fense. The assessment should also include a discus-
3 sion of any difficulties or barriers in transitioning
4 such programs, projects, and activities and what, if
5 any, solutions have been developed to address such
6 difficulties or barriers.

7 “(7) An assessment of progress toward the goal
8 of building the minimum essential capabilities of the
9 Ministry of Defense and the Ministry of the Interior
10 of Iraq, including a description of—

11 “(A) such capabilities both extant and re-
12 maining to be developed;

13 “(B) major equipment necessary to achieve
14 such capabilities;

15 “(C) the level and type of support provided
16 by the United States to address shortfalls in
17 such capabilities; and

18 “(D) the level of commitment, both finan-
19 cial and political, made by the Government of
20 Iraq to develop such capabilities, including a
21 discussion of resources used by the Government
22 of Iraq to develop capabilities that the Sec-
23 retary determines are not minimum essential
24 capabilities for purposes of this paragraph.

1 “(8) A listing and assessment of the anticipated
2 level and type of support to be provided by United
3 States special operations forces to the Government
4 of Iraq and Iraqi special operations forces during
5 the redeployment of United States conventional
6 forces from Iraq. The assessment should include a
7 listing of anticipated critical support from general
8 purpose forces required by United States special op-
9 erations forces and Iraqi special operations forces.
10 The assessment should also include combat support,
11 including rotary aircraft and intelligence, surveil-
12 lance, and reconnaissance assets, combat service
13 support, and contractor support needed through De-
14 cember 31, 2011.”.

15 (c) SECRETARY OF STATE COMMENTS.—Such section
16 is further amended by striking subsection (c) and insert-
17 ing the following:

18 “(c) SECRETARY OF STATE COMMENTS.—Prior to
19 submitting the report required under subsection (a), the
20 Secretary of Defense shall provide a copy of the report
21 to the Secretary of State for review. At the request of the
22 Secretary of State, the Secretary of Defense shall include
23 an appendix to the report which contains any comments
24 or additional information that the Secretary of State re-
25 quests.”.

1 (d) FORM.—Subsection (d) of such section is amend-
2 ed by striking “, whether or not included in another report
3 on Iraq submitted to Congress by the Secretary of De-
4 fense,”.

5 (e) TERMINATION.—Such section is further amended
6 by adding at the end the following:

7 “(f) TERMINATION.—The requirement to submit the
8 report required under subsection (a) shall terminate on
9 September 30, 2012.”.

10 (f) REPEAL OF OTHER REPORTING REQUIRE-
11 MENTS.—The following provisions of law are hereby re-
12 pealed:

13 (1) Section 1227 of the National Defense Au-
14 thorization Act for Fiscal Year 2006 (Public Law
15 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as
16 amended by section 1223 of the National Defense
17 Authorization Act for Fiscal Year 2008 (Public Law
18 110–181; 122 Stat. 373)).

19 (2) Section 1225 of the National Defense Au-
20 thorization Act for Fiscal Year 2008 (Public Law
21 110–181; 122 Stat. 375).

22 **SEC. 1234. REPORT ON DEPARTMENT OF DEFENSE SUP-**
23 **PORT FOR COALITION OPERATIONS.**

24 (a) REPORT REQUIRED.—Not later than 90 days
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the Committee on Armed Serv-
2 ices of the Senate and the Committee on Armed Services
3 of the House of Representatives a report on the implemen-
4 tation of the coalition support authorities of the Depart-
5 ment of Defense during Operation Iraqi Freedom and Op-
6 eration Enduring Freedom.

7 (b) ELEMENTS.—The report required by subsection
8 (a) shall include the following:

9 (1) A description of the purpose and use of
10 each coalition support authority of the Department
11 of Defense.

12 (2) For the period of Operation Enduring Free-
13 dom ending on September 30, 2010, a summary of
14 the amount of training, equipment, services, or other
15 assistance provided or loaned under any coalition
16 support authority of the Department of Defense set
17 forth, for each such authority, by amount provided
18 or loaned during each fiscal year of such period for
19 each recipient country.

20 (3) For the period of Operation Iraqi Freedom
21 ending on September 30, 2010, a summary of the
22 amount of training, equipment, services, or other as-
23 sistance provided or loaned under any coalition sup-
24 port authority of the Department of Defense set
25 forth, for each such authority, by amount provided

1 or loaned during each fiscal year of such period for
2 each recipient country.

3 (4) An assessment of the effectiveness of each
4 coalition support authority of the Department of De-
5 fense in meeting its intended purpose.

6 (5) For each recipient country of coalition sup-
7 port under a coalition support authority of the De-
8 partment of Defense—

9 (A) a description of the contribution of
10 such country to coalition operations in Oper-
11 ation Enduring Freedom or Operating Iraqi
12 Freedom; and

13 (B) an assessment of the extent to which
14 coalition support provided by the United States
15 enhanced the ability of such country to partici-
16 pate in coalition operations in Operation En-
17 during Freedom or Operating Iraqi Freedom.

18 (6) A description of the actions taken by the
19 Department Defense to eliminate duplication and
20 overlap in coalition support provided under the coali-
21 tion support authorities of the Department of De-
22 fense.

23 (7) An assessment by the Secretary of Defense
24 whether there is an ongoing need for each coalition
25 support authority of the Department of Defense,

1 and an estimate of the anticipated future demand
2 for coalition support under such coalition support
3 authorities.

4 (c) COALITION SUPPORT AUTHORITIES OF THE DE-
5 PARTMENT OF DEFENSE DEFINED.—In this section, the
6 term “coalition support authorities of the Department of
7 Defense” means the following:

8 (1) Coalition Support Funds, including the au-
9 thority to provide specialized training and loan spe-
10 cialized equipment under the Coalition Support
11 Fund (commonly referred to as the “Coalition Read-
12 iness Support Program”).

13 (2) Lift and sustain authority under appropria-
14 tions Acts or under section 1234 of the National De-
15 fense Authorization Act for Fiscal Year 2008 (Pub-
16 lic Law 110–181; 122 Stat. 394).

17 (3) Global lift and sustain authority under sec-
18 tion 127c of title 10, United States Code.

19 (4) The authority to provide logistic support,
20 supplies, and services to allied forces participating in
21 combined operations under section 127d of title 10,
22 United States Code.

23 (5) The temporary authority to lend significant
24 military equipment under acquisition and cross-serv-
25 icing agreements pursuant to section 1202 of the

1 John Warner National Defense Authorization Act
2 for Fiscal Year 2007 (Public Law 109–364).

3 (6) The authority under section 1206 of the
4 National Defense Authorization Act for Fiscal Year
5 2006 (Public Law 109–163) to provide assistance to
6 build the capacity of foreign nations to support mili-
7 tary or stability operations in which the United
8 States Armed Forces are a participant.

9 (7) Any other authority that the Secretary of
10 Defense designates as a coalition support authority
11 of the Department of Defense for purposes of the re-
12 port required by subsection (a).

13 **SEC. 1235. REPORTS ON POLICE TRAINING PROGRAMS.**

14 (a) DOD INSPECTOR GENERAL REPORT ON AFGHAN
15 NATIONAL POLICE TRAINING PROGRAM.—

16 (1) REPORT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Inspector General of the Department of Defense
19 shall, in consultation with the Inspector General of
20 the Department of State, submit to the appropriate
21 committees of Congress a report on the Afghan Na-
22 tional Police training program.

23 (2) REVIEW.—In preparing the report required
24 by paragraph (1), the Inspector General of the De-
25 partment of Defense shall conduct a review of the

1 Afghan National Police training program that fo-
2 cuses on developments since the Inspector General of
3 the Department of Defense and the Inspector Gen-
4 eral of the Department of State released the report
5 entitled “Department of Defense Obligations and
6 Expenditures of Funds Provided to the Department
7 of State for the Training and Mentoring of the Af-
8 ghan National Police” (DODIG Report No. D-
9 2010-042, DOSIG Report No. MERO-A-10-06,
10 February 9, 2010).

11 (3) ELEMENTS OF REPORT.—The report re-
12 quired by paragraph (1) shall include the following:

13 (A) A description of the components, plan-
14 ning, and scope of the Afghan National Police
15 training program since the United States as-
16 sumed control of the program in 2003.

17 (B) A description of the cost to the United
18 States of the Afghan National Police training
19 program, including the source and amount of
20 funding, and a description of the allocation of
21 responsibility between the Department of De-
22 fense and the Department of State for funding
23 the program.

24 (C) A description of the allocation of re-
25 sponsibility between the Department of Defense

1 and the Department of State for the oversight
2 and execution of the program.

3 (D) A description of the personnel and
4 staffing requirements for overseeing and exe-
5 cuting the program, both in the United States
6 and in theater, including United States civilian
7 government and military personnel, contractor
8 personnel, and nongovernmental personnel, and
9 non-United States civilian and military per-
10 sonnel, contractor personnel, and nongovern-
11 mental personnel.

12 (E) An assessment of the cost, perform-
13 ance metrics, and planning associated with the
14 transfer of administration of the contract for
15 the Afghan National Police training program
16 from the Department of State to the Depart-
17 ment of Defense.

18 (b) GAO REPORT ON USE OF GOVERNMENT PER-
19 SONNEL RATHER THAN CONTRACTORS FOR TRAINING
20 AFGHAN NATIONAL POLICE.—

21 (1) REPORT.—Not later than 1 year after the
22 date of the enactment of this Act, the Comptroller
23 General of the United States shall submit to the ap-
24 propriate committees of Congress a report on the
25 use of United States Government personnel rather

1 than contractors for the training of the Afghan Na-
2 tional Police.

3 (2) ELEMENTS.—The report required under
4 paragraph (1) shall include the following:

5 (A) A description of the roles and respon-
6 sibilities of contractors and United States Gov-
7 ernment personnel in the Afghan National Po-
8 lice training program and a description of how
9 the division of roles and responsibilities between
10 such contractors and personnel has been deter-
11 mined.

12 (B) An assessment of the relative advan-
13 tages and disadvantages of using contractors or
14 United States Government personnel in the Af-
15 ghan National Police training program, includ-
16 ing an assessment of—

17 (i) the shortfalls and inefficiencies, if
18 any, in contractor performance in the pro-
19 gram; and

20 (ii) options for leveraging United
21 States Government resources and capacity
22 to address the shortfalls and inefficiencies
23 described in clause (i) and to better ad-
24 dress current and future needs under the
25 program.

1 (C) An assessment of the factors, such as
2 oversight, cost considerations, performance, pol-
3 icy, and other factors, that would be impacted
4 by transferring responsibilities for the perform-
5 ance of the Afghan National Police training
6 program from contractors to United States
7 Government personnel.

8 (D) A review of the lessons learned from
9 the execution and oversight of the police train-
10 ing program in Iraq, and any other relevant po-
11 lice training programs led by the Department of
12 Defense, regarding the relative advantages and
13 disadvantages of using United States Govern-
14 ment personnel or contractors to carry out po-
15 lice training programs for foreign nations.

16 (c) REPORT ON GOVERNMENT POLICE TRAINING
17 AND EQUIPPING PROGRAMS.—

18 (1) REPORT.—Not later than 1 year after the
19 date of the enactment of this Act, the President
20 shall submit to the appropriate committees of Con-
21 gress a report on United States Government police
22 training and equipping programs outside the United
23 States.

24 (2) ELEMENTS.—The report required under
25 paragraph (1) shall include the following:

1 (A) A list of all United States Government
2 departments and agencies involved in imple-
3 menting police training and equipping pro-
4 grams.

5 (B) A description of the scope, size, and
6 components of all police training and equipping
7 programs for fiscal years 2010 and 2011, to in-
8 clude for each such program—

9 (i) the name of each country that re-
10 ceived assistance under the program;

11 (ii) the types of recipient nation units
12 receiving such assistance, including na-
13 tional police, gendarmerie, counternarcotics
14 police, counterterrorism police, Formed Po-
15 lice Units, border security, and customs;

16 (iii) the purpose and objectives of the
17 program;

18 (iv) the funding and personnel levels
19 for the program in each such fiscal year;

20 (v) the authority under which the pro-
21 gram is conducted;

22 (vi) the name of the United States
23 Government department or agency with
24 lead responsibility for the program and the
25 mechanisms for oversight of the program;

1 (vii) the extent to which the program
2 is implemented by contractors or United
3 States Government personnel; and

4 (viii) the metrics for measuring the
5 results of the program.

6 (C) An assessment of the requirements for
7 police training and equipping programs, and
8 what changes, if any, are required to improve
9 the capacity of the United States Government
10 to meet such requirements.

11 (D) An evaluation of the appropriate role
12 of United States Government departments and
13 agencies in coordinating on and carrying out
14 police training and equipping programs.

15 (E) An evaluation of the appropriate role
16 of contractors in carrying out police training
17 and equipping programs, and what modifica-
18 tions, if any, are needed to improve oversight of
19 such contractors.

20 (F) Recommendations for legislative modi-
21 fications, if any, to existing authorities relating
22 to police training and equipping programs.

23 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
24 FINED.—In this section, the term “appropriate commit-
25 tees of Congress” means—

1 (1) the Committees on Armed Services, Foreign
2 Relations, Homeland Security and Governmental Af-
3 fairs, and Appropriations of the Senate; and

4 (2) the Committees on Armed Services, Foreign
5 Affairs, Oversight and Government Reform, and Ap-
6 propriations of the House of Representatives.

7 **SEC. 1236. REPORT ON CERTAIN IRAQIS AFFILIATED WITH**
8 **THE UNITED STATES.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of the enactment of this Act, the Secretary of De-
11 fense, in consultation with the Secretary of State, the At-
12 torney General, the Secretary of Homeland Security, the
13 Administrator of the United States Agency for Inter-
14 national Development, and the heads of other appropriate
15 Federal agencies (as determined by the Secretary of De-
16 fense), shall submit to the Congress a report containing
17 the information described in subsection (b). In preparing
18 such report, the Secretary of Defense shall use available
19 information from organizations and entities closely associ-
20 ated with the United States mission in Iraq that have re-
21 ceived United States Government funding through an offi-
22 cial and documented contract, award, grant, or coopera-
23 tive agreement.

24 (b) INFORMATION.—The information described in
25 this subsection is the following:

1 (1) The number of Iraqis who were or are em-
2 ployed by the United States Government in Iraq or
3 who are or were employed in Iraq by an organization
4 or entity closely associated with the United States
5 mission in Iraq that has received United States Gov-
6 ernment funding through an official and documented
7 contract, award, grant, or cooperative agreement.

8 (2) The number of Iraqis who have applied—

9 (A) for resettlement in the United States
10 as a refugee under section 1243 of the Refugee
11 Crisis in Iraq Act of 2007 (subtitle C of title
12 XII of division A of Public Law 110–181; 122
13 Stat. 395 et seq.);

14 (B) to enter the United States as a special
15 immigrant under section 1244 of such Act; or

16 (C) to enter the United States as a special
17 immigrant under section 1059 of the National
18 Defense Authorization Act for Fiscal Year 2006
19 (Public Law 109–163; 8 U.S.C. 1101 note).

20 (3) The status of each application described in
21 paragraph (2).

22 (4) The estimated number of individuals de-
23 scribed in paragraph (1) who have been injured or
24 killed in Iraq.

1 (c) EXPEDITED PROCESSING.—The Secretary of De-
2 fense, the Secretary of State, and the Secretary of Home-
3 land Security shall develop a plan using the report sub-
4 mitted under subsection (a) to expedite the processing of
5 the applications described in subsection (b)(2) in the case
6 of Iraqis at risk as the United States withdraws from Iraq.

7 **SEC. 1237. REPORT ON DEPARTMENT OF DEFENSE'S PLANS**
8 **TO REFORM THE EXPORT CONTROL SYSTEM.**

9 (a) REPORT REQUIRED.—Not later than 120 days
10 after the date of the enactment of this Act, the Secretary
11 of Defense shall submit to the appropriate congressional
12 committees a report on the Department of Defense's plans
13 to implement the reforms to the United States export con-
14 trol system recommended by the interagency task force es-
15 tablished at the direction of the President on August 13,
16 2009.

17 (b) MATTERS TO BE INCLUDED.—The report re-
18 quired under subsection (a) shall include an assessment
19 of the extent to which the plans to reform the export con-
20 trol system will—

21 (1) impact the Defense Technology Security
22 Administration of the Department of Defense;

23 (2) affect the role of the Department of De-
24 fense with respect to export control policy; and

1 (3) ensure greater protection and monitoring of
2 militarily critical technologies.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congress-
5 sional committees” means—

6 (1) the Committee on Armed Services and the
7 Committee on Foreign Affairs of the House of Rep-
8 resentatives; and

9 (2) the Committee on Armed Services, the
10 Committee on Banking, Housing, and Urban Af-
11 fairs, and the Committee on Foreign Relations of
12 the Senate.

13 **SEC. 1238. REPORT ON UNITED STATES EFFORTS TO DE-**
14 **FEND AGAINST THREATS POSED BY THE**
15 **ANTI-ACCESS AND AREA-DENIAL CAPABILI-**
16 **TIES OF CERTAIN NATION-STATES.**

17 (a) FINDING.—Congress finds that the 2010 report
18 on the Department of Defense Quadrennial Defense Re-
19 view concludes that “[a]nti-access strategies seek to deny
20 outside countries the ability to project power into a region,
21 thereby allowing aggression or other destabilizing actions
22 to be conducted by the anti-access power. Without domi-
23 nant capabilities to project power, the integrity of United
24 States alliances and security partnerships could be called

1 into question, reducing United States security and influ-
2 ence and increasing the possibility of conflict”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that, in light of the finding in subsection (a), the
5 Secretary of Defense should ensure that the United States
6 has the appropriate authorities, capabilities, and force
7 structure to defend against any potential future threats
8 posed by the anti-access and area-denial capabilities of po-
9 tentially hostile foreign countries.

10 (c) REPORT.—Not later than April 1, 2011, the Sec-
11 retary of Defense shall submit to the Committees on
12 Armed Services of the Senate and the House of Represent-
13 atives a report on United States efforts to defend against
14 any potential future threats posed by the anti-access and
15 area-denial capabilities of potentially hostile nation-states.

16 (d) ELEMENTS.—The report required under sub-
17 section (c) shall include the following:

18 (1) An assessment of any potential future
19 threats posed by the anti-access and area-denial ca-
20 pabilities of potentially hostile foreign countries, in-
21 cluding an identification of the foreign countries
22 with such capabilities, the nature of such capabili-
23 ties, and the possible advances in such capabilities
24 over the next 10 years.

1 (2) A description of any efforts by the Depart-
2 ment of Defense to address the potential future
3 threats posed by the anti-access and area-denial ca-
4 pabilities of potentially hostile foreign countries.

5 (3) A description of the authorities, capabilities,
6 and force structure that the United States may re-
7 quire over the next 10 years to address the threats
8 posed by the anti-access and area-denial capabilities
9 of potentially hostile foreign countries.

10 (e) FORM.—The report required under subsection (c)
11 shall be submitted in unclassified form, but may contain
12 a classified annex if necessary.

13 (f) DEFINITIONS.—In this section—

14 (1) the term “anti-access”, with respect to ca-
15 pabilities, means any action that has the effect of
16 slowing the deployment of friendly forces into a the-
17 ater, preventing such forces from operating from
18 certain locations within that theater, or causing such
19 forces to operate from distances farther from the
20 locus of conflict than such forces would normally
21 prefer; and

22 (2) the term “area-denial”, with respect to ca-
23 pabilities, means operations aimed to prevent free-
24 dom of action of friendly forces in the more narrow
25 confines of the area under a potentially hostile na-

1 tion-state’s direct control, including actions by an
2 adversary in the air, on land, and on and under the
3 sea to contest and prevent joint operations within a
4 defended battlespace.

5 **SEC. 1239. DEFENSE SCIENCE BOARD REPORT ON DEPART-**
6 **MENT OF DEFENSE STRATEGY TO COUNTER**
7 **VIOLENT EXTREMISM OUTSIDE THE UNITED**
8 **STATES.**

9 (a) REPORT REQUIRED.—Not later than one year
10 after the date of the enactment of this Act, the Defense
11 Science Board shall submit to the Committees on Armed
12 Services of the Senate and the House of Representatives
13 a report on the strategy of the Department of Defense
14 to counter violent extremism outside the United States.

15 (b) ELEMENTS.—The report required by subsection
16 (a) shall include, at a minimum, the following:

17 (1) A review of the current strategy, research
18 activities, resource allocations, and organizational
19 structure of the Department of Defense for coun-
20 tering violent extremism outside the United States.

21 (2) A review of interagency coordination and
22 decision-making processes for executing and over-
23 seeing strategies and programs for countering vio-
24 lent extremism outside the United States.

1 (3) An analysis of alternatives and options
2 available to the Department of Defense to counter
3 violent extremism outside the United States.

4 (4) An analysis of legal, policy, and strategy
5 issues involving efforts to counter violent extremism
6 outside the United States as such efforts potentially
7 affect domestic efforts to interrupt radicalization ef-
8 forts within the United States.

9 (5) An analysis of the current information cam-
10 paign of the Department of Defense against violent
11 extremists outside the United States.

12 (6) Such recommendations for further action to
13 address the matters covered by the report as the De-
14 fense Science Board considers appropriate.

15 (7) Such other matters as the Defense Science
16 Board determines relevant.

17 **SEC. 1240. REPORT ON MERITS OF AN INCIDENTS AT SEA**

18 **AGREEMENT BETWEEN THE UNITED STATES,**

19 **IRAN, AND CERTAIN OTHER COUNTRIES.**

20 (a) REPORT REQUIRED.—Not later than 1 year after
21 the date of the enactment of this Act, the Secretary of
22 Defense, in coordination with the Secretary of State, shall
23 submit to the appropriate congressional committees a re-
24 port assessing the relative merits of a multilateral or bilat-
25 eral Incidents at Sea military-to-military agreement be-

1 tween the United States, the Government of Iran, and
2 other countries operating in the Persian Gulf aimed at
3 preventing accidental naval conflict in the Persian Gulf
4 and the Strait of Hormuz.

5 (b) MATTERS TO BE INCLUDED.—Such assessment
6 should consider and evaluate the current maritime secu-
7 rity situation in the Persian Gulf and the effect that such
8 an agreement might have on military and other maritime
9 activities in the region, as well as other United States re-
10 gional strategic interests.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Armed Services and the
15 Committee on Foreign Affairs of the House of Rep-
16 resentatives; and

17 (2) the Committee on Armed Services and the
18 Committee on Foreign Relations of the Senate.

19 **SEC. 1241. REQUIREMENT TO MONITOR AND EVALUATE DE-**
20 **PARTMENT OF DEFENSE ACTIVITIES TO**
21 **COUNTER VIOLENT EXTREMISM IN AFRICA.**

22 (a) IN GENERAL.—The Secretary of Defense, in con-
23 sultation with the Secretary of State, shall monitor and
24 evaluate the impact of United States Africa Command
25 (USAFRICOM) Combined Joint Task Force-Horn of Af-

1 rica's (CJTF–HOA) activities to counter violent extre-
2 mism in Africa, including civil affairs, psychological oper-
3 ations, humanitarian assistance, and operations to
4 strengthen the capacity of partner nations.

5 (b) REPORT.—Not later than 90 days after the date
6 of the enactment of this Act, the Secretary of Defense
7 shall submit to the appropriate congressional committees
8 a report on the following:

9 (1) An evaluation of the impact of CJTF–
10 HOA's activities described in subsection (a) to ad-
11 vance United States security objectives in the Horn
12 of Africa, including the extent to which CJTF–
13 HOA's activities—

14 (A) disrupt or deny terrorist networks;

15 (B) combat violent extremist ideology;

16 (C) are aligned with USAFRICOM's mis-
17 sion; and

18 (D) complement programs conducted by
19 the United States Agency for International De-
20 velopment.

21 (2) USAFRICOM's efforts to monitor and
22 evaluate the impact of CJTF–HOA's activities de-
23 scribed in subsection (a), including—

1 (A) the means by which CJTF–HOA fol-
2 lows up on such activities to evaluate the effec-
3 tiveness of such activities;

4 (B) USAFRICOM’s specific assessments
5 of CJTF–HOA’s activities; and

6 (C) a description of plans by the Secretary
7 of Defense to make permanent CJTF–HOA’s
8 presence in Djibouti.

9 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the Committee on Armed Services and the
13 Committee on Foreign Affairs of the House of Rep-
14 resentatives; and

15 (2) the Committee on Armed Services and the
16 Committee on Foreign Relations of the Senate.

17 **SEC. 1242. NATO SPECIAL OPERATIONS HEADQUARTERS.**

18 (a) IN GENERAL.—Section 1244 of the National De-
19 fense Authorization Act for Fiscal Year 2010 (Public Law
20 111–84; 123 Stat. 2541) is amended—

21 (1) in subsection (a)—

22 (A) by striking “fiscal year 2010” and in-
23 serting “fiscal year 2011”;

24 (B) by striking “pursuant to section
25 301(1)”; and

1 (C) by striking “\$30,000,000” and insert-
2 ing “\$50,000,000”;

3 (2) in subsection (b)—

4 (A) by striking “NATO Special Operations
5 Coordination Center” and inserting “NATO
6 Special Operations Headquarters”; and

7 (B) by striking “NSCC” and inserting
8 “NSHQ”; and

9 (3) in subsection (c), by striking “NSCC” each
10 place it appears and inserting “NSHQ”.

11 (b) CONFORMING AMENDMENT.—The heading of
12 such section is amended by striking “**NATO SPECIAL OP-**
13 **ERATIONS COORDINATION CENTER**” and inserting
14 “**NATO SPECIAL OPERATIONS HEADQUARTERS**”.

15 **SEC. 1243. NATIONAL MILITARY STRATEGY TO COUNTER**
16 **IRAN AND REQUIRED BRIEFINGS.**

17 (a) NATIONAL MILITARY STRATEGY REQUIRED.—
18 The Secretary of Defense shall develop a strategy, to be
19 known as the “National Military Strategy to Counter
20 Iran”. The strategy should—

21 (1) provide strategic guidance for activities of
22 the Department of Defense that support the objec-
23 tive of countering threats posed by Iran;

24 (2) undertake a review of the intelligence in the
25 possession of the Department of Defense to develop

1 a list of gaps in intelligence that limit the ability of
2 the Department of Defense to counter threats ema-
3 nating from Iran that the Secretary considers to be
4 critical;

5 (3) undertake a review of the ability of the De-
6 partment of Defense to counter threats to the
7 United States, its forces, allies, and interests from
8 Iran, including—

9 (A) contributions of the Department of
10 Defense to the efforts of other agencies of the
11 United States Government to counter or ad-
12 dress the threat emanating from Iran; and

13 (B) any gaps in the capabilities and au-
14 thorities of the Department.

15 (b) BRIEFINGS TO CONGRESS.—Not later than 180
16 days after the date of the enactment of this Act, the Sec-
17 retary of Defense shall brief the congressional defense
18 committees in classified session regarding any resources,
19 capabilities, or changes to current law the Secretary be-
20 lieves are necessary to address the gaps identified in the
21 strategy required in subsection (a).

22 **TITLE XIII—COOPERATIVE**
23 **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.

1 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
2 **DUCTION PROGRAMS AND FUNDS.**

3 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
4 Duction PROGRAMS.—For purposes of section 301 and
5 other provisions of this Act, Cooperative Threat Reduction
6 programs are the programs specified in section 1501 of
7 the National Defense Authorization Act for Fiscal Year
8 1997 (50 U.S.C. 2362 note).

9 (b) FISCAL YEAR 2011 COOPERATIVE THREAT RE-
10 Duction FUNDS DEFINED.—As used in this title, the
11 term “fiscal year 2011 Cooperative Threat Reduction
12 funds” means the funds appropriated pursuant to the au-
13 thorization of appropriations in section 301 for Coopera-
14 tive Threat Reduction programs.

15 (c) AVAILABILITY OF FUNDS.—Funds appropriated
16 pursuant to the authorization of appropriations in section
17 301 for Cooperative Threat Reduction programs shall be
18 available for obligation for fiscal years 2011, 2012, and
19 2013.

20 **SEC. 1302. FUNDING ALLOCATIONS.**

21 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
22 \$522,512,000 authorized to be appropriated to the De-
23 partment of Defense for fiscal year 2011 in section
24 301(20) for Cooperative Threat Reduction programs, the

1 following amounts may be obligated for the purposes spec-
2 ified:

3 (1) For strategic offensive arms elimination in
4 Russia, \$66,732,000.

5 (2) For strategic nuclear arms elimination in
6 Ukraine, \$6,800,000.

7 (3) For nuclear weapons storage security in
8 Russia, \$9,614,000.

9 (4) For nuclear weapons transportation security
10 in Russia, \$45,000,000.

11 (5) For weapons of mass destruction prolifera-
12 tion prevention in the states of the former Soviet
13 Union, \$79,821,000.

14 (6) For biological threat reduction in the
15 former Soviet Union, \$209,034,000.

16 (7) For chemical weapons destruction,
17 \$3,000,000.

18 (8) For defense and military contacts,
19 \$5,000,000.

20 (9) For Global Nuclear Lockdown,
21 \$74,471,000.

22 (10) For activities designated as Other Assess-
23 ments/Administrative Costs, \$23,040,000.

24 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
25 FUNDS FOR OTHER PURPOSES.—No fiscal year 2011 Co-

1 operative Threat Reduction funds may be obligated or ex-
2 pended for a purpose other than a purpose listed in para-
3 graphs (1) through (10) of subsection (a) until 15 days
4 after the date that the Secretary of Defense submits to
5 Congress a report on the purpose for which the funds will
6 be obligated or expended and the amount of funds to be
7 obligated or expended. Nothing in the preceding sentence
8 shall be construed as authorizing the obligation or expend-
9 iture of fiscal year 2011 Cooperative Threat Reduction
10 funds for a purpose for which the obligation or expendi-
11 ture of such funds is specifically prohibited under this title
12 or any other provision of law.

13 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
14 AMOUNTS.—

15 (1) IN GENERAL.—Subject to paragraph (2), in
16 any case in which the Secretary of Defense deter-
17 mines that it is necessary to do so in the national
18 interest, the Secretary may obligate amounts appro-
19 priated for fiscal year 2011 for a purpose listed in
20 paragraphs (1) through (10) of subsection (a) in ex-
21 cess of the specific amount authorized for that pur-
22 pose.

23 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
24 tion of funds for a purpose stated in paragraphs (1)
25 through (10) of subsection (a) in excess of the spe-

1 cific amount authorized for such purpose may be
2 made using the authority provided in paragraph (1)
3 only after—

4 (A) the Secretary submits to Congress no-
5 tification of the intent to do so together with a
6 complete discussion of the justification for
7 doing so; and

8 (B) 15 days have elapsed following the
9 date of the notification.

10 **SEC. 1303. LIMITATION ON USE OF FUNDS FOR ESTABLISH-**
11 **MENT OF CENTERS OF EXCELLENCE IN**
12 **COUNTRIES OUTSIDE OF THE FORMER SO-**
13 **VIET UNION.**

14 Not more than \$500,000 of the fiscal year 2011 Co-
15 operative Threat Reduction funds may be obligated or ex-
16 pended to establish a center of excellence in a country that
17 is not a state of the former Soviet Union until the date
18 that is 15 days after the date on which the Secretary of
19 Defense submits to the congressional defense committees
20 a report that includes the following:

21 (1) An identification of the country in which
22 the center will be located.

23 (2) A description of the purpose for which the
24 center will be established.

1 (3) The agreement under which the center will
2 operate.

3 (4) A funding plan for the center, including—

4 (A) the amount of funds to be provided by
5 the government of the country in which the cen-
6 ter will be located; and

7 (B) the percentage of the total cost of es-
8 tablishing and operating the center the funds
9 described in subparagraph (A) will cover.

10 **SEC. 1304. PLAN FOR NONPROLIFERATION, PROLIFERA-**
11 **TION PREVENTION, AND THREAT REDUCTION**
12 **ACTIVITIES WITH THE PEOPLE'S REPUBLIC**
13 **OF CHINA.**

14 (a) **IN GENERAL.**—Not later than April 1, 2011, the
15 Secretary of Defense and the Secretary of Energy shall
16 jointly submit to the congressional defense committees a
17 plan to carry out activities of the Department of Defense
18 Cooperative Threat Reduction Program and the Depart-
19 ment of Energy Defense Nuclear Nonproliferation pro-
20 gram relating to nonproliferation, proliferation prevention,
21 and threat reduction with the Government of the People's
22 Republic of China during fiscal years 2011 through 2016.

23 (b) **ELEMENTS.**—The plan required by subsection (a)
24 shall include the following:

1 (1) A description of the activities to be carried
2 out under the plan.

3 (2) A description of milestones and goals for
4 such activities.

5 (3) An estimate of the annual cost of such ac-
6 tivities.

7 (4) An estimate of the amount of the total cost
8 of such activities to be provided by the Government
9 of the People's Republic of China.

10 **TITLE XIV—OTHER**
11 **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.

1 **Subtitle A—Military Programs**

2 **SEC. 1401. WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2011 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 providing capital for working capital and revolving funds
7 in amounts as follows:

8 (1) For the Defense Working Capital Funds,
9 \$160,965,000.

10 (2) For the Defense Working Capital Fund,
11 Defense Commissary, \$1,273,571,000.

12 **SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BAL-** 13 **ANCES.**

14 (a) **STUDY REQUIRED.**—Not later than 30 days after
15 the date of the enactment of this Act, the Secretary of
16 Defense shall seek to enter into a contract with a federally
17 funded research and development center with appropriate
18 expertise in revolving fund financial management to carry
19 out a study to determine a sufficient operational level of
20 cash that each revolving fund of the Department of De-
21 fense should maintain in order to sustain a single rate or
22 price throughout the fiscal year.

23 (b) **CONTENTS OF STUDY.**—In carrying out a study
24 pursuant to a contract entered into under subsection (a),

1 the federally funded research and development center
2 shall—

3 (1) qualitatively analyze the operational require-
4 ments and inherent risks associated with maintain-
5 ing a specific level of cash within each revolving fund
6 of the Department;

7 (2) for each such revolving fund, take into con-
8 sideration any effects on appropriation accounts that
9 have occurred due to changes made in the rates
10 charged by the fund during a fiscal year;

11 (3) take into consideration direct input from
12 the Secretary of Defense and officials of each of the
13 military departments with leadership responsibility
14 for financial management;

15 (4) examine the guidance provided and regula-
16 tions prescribed by the Secretary of Defense and the
17 Secretary of each of the military departments, as in
18 effect on the date of the enactment of this Act, in-
19 cluding such guidance with respect to programming
20 and budgeting and the annual budget displays pro-
21 vided to Congress;

22 (5) examine the effects on appropriations ac-
23 counts that have occurred due to congressional ad-
24 justments relating to excess cash balances in revolv-
25 ing funds;

1 (6) identify best business practices from the
2 private sector relating to sufficient cash balance re-
3 serves;

4 (7) examine any relevant applicable laws, in-
5 cluding the relevant body of work performed by the
6 Government Accountability Office; and

7 (8) address—

8 (A) instances where the fiscal policy of the
9 Department of Defense directly follows the law,
10 as in effect on the date of the enactment of this
11 Act, and instances where such policy is more re-
12 strictive with respect to the fiscal management
13 of revolving funds than such law requires;

14 (B) instances where current Department
15 fiscal policy restricts the capability of a revolv-
16 ing fund to achieve the most economical and ef-
17 ficient organization and operation of activities;

18 (C) fiscal policy adjustments required to
19 comply with recommendations provided in the
20 study, including proposed adjustments to—

21 (i) the Department of Defense Finan-
22 cial Management Regulation;

23 (ii) published service regulations and
24 instructions; and

1 (iii) major command fiscal guidance;

2 and

3 (D) such other matters as determined rel-
4 evant by the center carrying out the study.

5 (c) AVAILABILITY OF INFORMATION.—The Secretary
6 of Defense and the Secretary of each of the military de-
7 partments shall make available to a federally funded re-
8 search and development center carrying out a study pursu-
9 ant to a contract entered into under subsection (a) all nec-
10 essary and relevant information to allow the center to con-
11 duct the study in a quantitative and analytical manner.

12 (d) REPORT.—Any contract entered into under sub-
13 section (a) shall provide that not later than 9 months after
14 the date on which the Secretary of Defense enters into
15 the contract, the chief executive officer of the entity that
16 carries out the study pursuant to the contract shall submit
17 to the Committees on Armed Services of the Senate and
18 House of Representatives and the Secretary of Defense
19 a final report on the study. The report shall include each
20 of the following:

21 (1) A description of the revolving fund environ-
22 ment, as of the date of the conclusion of the study,
23 and the anticipated future environment, together
24 with the quantitative data used in conducting the as-
25 sessment of such environments under the study.

1 procurement and qualification of technology-en-
2 hanced maintenance capabilities that improve either
3 reliability, maintainability, sustainability, or
4 supportability and have, at a minimum, been dem-
5 onstrated to be functional in an actual system appli-
6 cation or operational environment”; and

7 (2) in subsection (k)(2), by striking “\$100,000”
8 and inserting “\$250,000”.

9 **SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITH-**
10 **IN THE PENTAGON RESERVATION MAINTEN-**
11 **NANCE REVOLVING FUND.**

12 Not later than 60 days after the date of the enact-
13 ment of this Act, the Secretary of Defense shall transfer
14 \$53,000,000 from the unobligated balances of the Pen-
15 tagon Reservation Maintenance Revolving Fund estab-
16 lished under section 2674(e) of title 10, United States
17 Code, to the Miscellaneous Receipts Fund of the United
18 States Treasury.

19 **SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.**

20 Funds are hereby authorized to be appropriated for
21 the fiscal year 2011 for the National Defense Sealift Fund
22 in the amount of \$934,866,000.

1 **SEC. 1406. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
2 **TION, DEFENSE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for the Depart-
5 ment of Defense for fiscal year 2011 for expenses, not oth-
6 erwise provided for, for Chemical Agents and Munitions
7 Destruction, Defense, in the amount of \$1,467,307,000,
8 of which—

9 (1) \$1,067,364,000 is for Operation and Main-
10 tenance;

11 (2) \$392,811,000 is for Research, Development,
12 Test, and Evaluation; and

13 (3) \$7,132,000 is for Procurement.

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

16 (1) the destruction of lethal chemical agents
17 and munitions in accordance with section 1412 of
18 the Department of Defense Authorization Act, 1986
19 (50 U.S.C. 1521), as amended by section 1421 of
20 this Act; and

21 (2) the destruction of chemical warfare materiel
22 of the United States that is not covered by section
23 1412 of such Act.

1 **SEC. 1407. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2011 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide, in the amount
7 of \$1,160,851,000.

8 **SEC. 1408. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2011 for ex-
11 penses, not otherwise provided for, for the Office of the
12 Inspector General of the Department of Defense, in the
13 amount of \$317,154,000.

14 **SEC. 1409. DEFENSE HEALTH PROGRAM.**

15 Funds are hereby authorized to be appropriated for
16 the Department of Defense for fiscal year 2011 for ex-
17 penses, not otherwise provided for, for the Defense Health
18 Program, in the amount of \$30,959,611,000.

19 **Subtitle B—National Defense**
20 **Stockpile**

21 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
22 **STOCKPILE FUNDS.**

23 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
24 cal year 2011, the National Defense Stockpile Manager
25 may obligate up to \$41,181,000 of the funds in the Na-
26 tional Defense Stockpile Transaction Fund established

1 under subsection (a) of section 9 of the Strategic and Crit-
2 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
3 authorized uses of such funds under subsection (b)(2) of
4 such section, including the disposal of hazardous materials
5 that are environmentally sensitive.

6 (b) **ADDITIONAL OBLIGATIONS.**—The National De-
7 fense Stockpile Manager may obligate amounts in excess
8 of the amount specified in subsection (a) if the National
9 Defense Stockpile Manager notifies Congress that extraor-
10 dinary or emergency conditions necessitate the additional
11 obligations. The National Defense Stockpile Manager may
12 make the additional obligations described in the notifica-
13 tion after the end of the 45-day period beginning on the
14 date on which Congress receives the notification.

15 (c) **LIMITATIONS.**—The authorities provided by this
16 section shall be subject to such limitations as may be pro-
17 vided in appropriations Acts.

18 **SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES**
19 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
20 **FROM THE NATIONAL DEFENSE STOCKPILE.**

21 Section 3402(b)(5) of the National Defense Author-
22 ization Act for Fiscal Year 2000 (50 U.S.C. 98d note),
23 as most recently amended by section 1412(a) of the Na-
24 tional Defense Authorization Act for Fiscal Year 2008

1 (Public Law 110–181; 122 Stat. 418), is amended by
2 striking “\$710,000,000” and inserting “\$730,000,000”.

3 **Subtitle C—Chemical**
4 **Demilitarization Matters**

5 **SEC. 1421. CONSOLIDATION AND REORGANIZATION OF**
6 **STATUTORY AUTHORITY FOR DESTRUCTION**
7 **OF UNITED STATES STOCKPILE OF LETHAL**
8 **CHEMICAL AGENTS AND MUNITIONS.**

9 (a) RESTATEMENT OF STATUTORY AUTHORITY
10 WITH CONSOLIDATION AND REORGANIZATION.—Section
11 1412 of the National Defense Authorization Act, 1986 (50
12 U.S.C. 1521) is amended to read as follows:

13 **“SEC. 1412. DESTRUCTION OF EXISTING STOCKPILE OF LE-**
14 **THAL CHEMICAL AGENTS AND MUNITIONS.**

15 “(a) IN GENERAL.—The Secretary of Defense shall,
16 in accordance with the provisions of this section, carry out
17 the destruction of the United States’ stockpile of lethal
18 chemical agents and munitions that exists on November
19 8, 1985.

20 “(b) DATE FOR COMPLETION.—(1) The destruction
21 of such stockpile shall be completed by the stockpile elimi-
22 nation deadline.

23 “(2) If the Secretary of Defense determines at any
24 time that there will be a delay in meeting the requirement
25 in paragraph (1) for the completion of the destruction of

1 chemical weapons by the stockpile elimination deadline,
2 the Secretary shall immediately notify the Committee on
3 Armed Services of the Senate and the Committee on
4 Armed Services of the House of Representatives of that
5 projected delay.

6 “(3) For purposes of this section, the term ‘stockpile
7 elimination deadline’ means the deadline established by
8 the Chemical Weapons Convention, but not later than De-
9 cember 31, 2017.

10 “(c) INITIATION OF DEMILITARIZATION OPER-
11 ATIONS.—The Secretary of Defense may not initiate de-
12 struction of the chemical munitions stockpile stored at a
13 site until the following support measures are in place:

14 “(1) Support measures that are required by De-
15 partment of Defense and Army chemical surety and
16 security program regulations.

17 “(2) Support measures that are required by the
18 general and site chemical munitions demilitarization
19 plans specific to that installation.

20 “(3) Support measures that are required by the
21 permits required by the Solid Waste Disposal Act
22 (42 U.S.C. 6901 et seq.) and the Clean Air Act (42
23 U.S.C. 7401 et seq.) for chemical munitions demili-
24 tarization operations at that installation, as ap-
25 proved by the appropriate State regulatory agencies.

1 “(d) ENVIRONMENTAL PROTECTION AND USE OF
2 FACILITIES.—(1) In carrying out the requirement of sub-
3 section (a), the Secretary of Defense shall provide for—

4 “(A) maximum protection for the environment,
5 the general public, and the personnel who are in-
6 volved in the destruction of the lethal chemical
7 agents and munitions referred to in subsection (a),
8 including but not limited to the use of technologies
9 and procedures that will minimize risk to the public
10 at each site; and

11 “(B) adequate and safe facilities designed solely
12 for the destruction of lethal chemical agents and
13 munitions.

14 “(2) Facilities constructed to carry out this section
15 shall, when no longer needed for the purposes for which
16 they were constructed, be disposed of in accordance with
17 applicable laws and regulations and mutual agreements
18 between the Secretary of the Army and the Governor of
19 the State in which the facility is located.

20 “(3)(A) Facilities constructed to carry out this sec-
21 tion may not be used for a purpose other than the destruc-
22 tion of the stockpile of lethal chemical agents and muni-
23 tions that exists on November 8, 1985.

24 “(B) The prohibition in subparagraph (A) shall not
25 apply with respect to items designated by the Secretary

1 of Defense as lethal chemical agents, munitions, or related
2 materials after November 8, 1985, if the State in which
3 a destruction facility is located issues the appropriate per-
4 mit or permits for the destruction of such items at the
5 facility.

6 “(e) GRANTS AND COOPERATIVE AGREEMENTS.—
7 (1)(A) In order to carry out subsection (d)(1)(A), the Sec-
8 retary of Defense may make grants to State and local gov-
9 ernments and to tribal organizations (either directly or
10 through the Federal Emergency Management Agency) to
11 assist those governments and tribal organizations in car-
12 rying out functions relating to emergency preparedness
13 and response in connection with the disposal of the lethal
14 chemical agents and munitions referred to in subsection
15 (a). Funds available to the Department of Defense for the
16 purpose of carrying out this section may be used for such
17 grants.

18 “(B) Additionally, the Secretary may provide funds
19 through cooperative agreements with State and local gov-
20 ernments, and with tribal organizations, for the purpose
21 of assisting them in processing, approving, and overseeing
22 permits and licenses necessary for the construction and
23 operation of facilities to carry out this section. The Sec-
24 retary shall ensure that funds provided through such a

1 cooperative agreement are used only for the purpose set
2 forth in the preceding sentence.

3 “(C) In this paragraph, the term ‘tribal organization’
4 has the meaning given that term in section 4(l) of the In-
5 dian Self-Determination and Education Assistance Act
6 (25 U.S.C. 450b(l)).

7 “(2)(A) In coordination with the Secretary of the
8 Army and in accordance with agreements between the Sec-
9 retary of the Army and the Administrator of the Federal
10 Emergency Management Agency, the Administrator shall
11 carry out a program to provide assistance to State and
12 local governments in developing capabilities to respond to
13 emergencies involving risks to the public health or safety
14 within their jurisdictions that are identified by the Sec-
15 retary as being risks resulting from—

16 “(i) the storage of lethal chemical agents and
17 munitions referred to in subsection (a) at military
18 installations in the continental United States; or

19 “(ii) the destruction of such agents and muni-
20 tions at facilities referred to in subsection (d)(1)(B).

21 “(B) Assistance may be provided under this para-
22 graph for capabilities to respond to emergencies involving
23 an installation or facility as described in subparagraph (A)
24 until the earlier of the following:

1 “(i) The date of the completion of all grants
2 and cooperative agreements with respect to the in-
3 stallation or facility for purposes of this paragraph
4 between the Federal Emergency Management Agen-
5 cy and the State and local governments concerned.

6 “(ii) The date that is 180 days after the date
7 of the completion of the destruction of lethal chem-
8 ical agents and munitions at the installation or facil-
9 ity.

10 “(C) Not later than December 15 of each year, the
11 Administrator shall transmit a report to Congress on the
12 activities carried out under this paragraph during the fis-
13 cal year preceding the fiscal year in which the report is
14 submitted.

15 “(f) REQUIREMENT FOR STRATEGIC PLAN.—(1) The
16 Under Secretary of Defense for Acquisition, Technology,
17 and Logistics and the Secretary of the Army shall jointly
18 prepare, and from time to time shall update as appro-
19 priate, a strategic plan for future activities for destruction
20 of the United States’ stockpile of lethal chemical agents
21 and munitions.

22 “(2) The plan shall include, at a minimum, the fol-
23 lowing considerations:

24 “(A) Realistic budgeting for stockpile destruc-
25 tion and related support programs.

1 “(B) Contingency planning for foreseeable or
2 anticipated problems.

3 “(C) A management approach and associated
4 actions that address compliance with the obligations
5 of the United States under the Chemical Weapons
6 Convention and that take full advantage of opportu-
7 nities to accelerate destruction of the stockpile.

8 “(3) The Secretary of Defense shall each year submit
9 to the Committee on the Armed Services of the Senate
10 and the Committee on Armed Services of the House of
11 Representatives the strategic plan as most recently pre-
12 pared and updated under paragraph (1). Such submission
13 shall be made each year at the time of the submission to
14 the Congress that year of the President’s budget for the
15 next fiscal year.

16 “(g) MANAGEMENT ORGANIZATION.—(1) In carrying
17 out this section, the Secretary of Defense shall provide for
18 a management organization within the Department of the
19 Army. The Secretary of the Army shall be responsible for
20 management of the destruction of agents and munitions
21 at all sites except Blue Grass Army Depot, Kentucky, and
22 Pueblo Chemical Depot, Colorado

23 “(2) The program manager for the Assembled Chem-
24 ical Weapons Alternative Program shall be responsible for
25 management of the construction, operation, and closure,

1 and any contracting relating thereto, of chemical demili-
2 tarization activities at Bluegrass Army Depot, Kentucky,
3 and Pueblo Army Depot, Colorado, including management
4 of the pilot-scale facility phase of the alternative tech-
5 nology selected for the destruction of lethal chemical muni-
6 tions. In performing such management, the program man-
7 ager shall act independently of the Army program man-
8 ager for Chemical Demilitarization and shall report to the
9 Under Secretary of Defense for Acquisition, Technology,
10 and Logistics

11 “(3) The Secretary of Defense shall designate a gen-
12 eral officer or civilian equivalent as the director of the
13 management organization established under paragraph
14 (1). Such officer shall have—

15 “(A) experience in the acquisition, storage, and
16 destruction of chemical agents and munitions; and

17 “(B) outstanding qualifications regarding safety
18 in handling chemical agents and munitions.

19 “(h) IDENTIFICATION OF FUNDS.—(1) Funds for
20 carrying out this section, including funds for military con-
21 struction projects necessary to carry out this section, shall
22 be set forth in the budget of the Department of Defense
23 for any fiscal year as a separate account. Such funds shall
24 not be included in the budget accounts for any military
25 department.

1 “(2) Amounts appropriated to the Secretary of De-
2 fense for the purpose of carrying out subsection (e) shall
3 be promptly made available to the Administrator of the
4 Federal Emergency Management Agency.

5 “(i) ANNUAL REPORTS.—(1) Except as provided by
6 paragraph (3), the Secretary of Defense shall transmit,
7 by December 15 each year, a report to Congress on the
8 activities carried out under this section during the fiscal
9 year ending on September 30 of the calendar year in which
10 the report is to be made.

11 “(2) Each annual report shall include the following:

12 “(A) A site-by-site description of the construc-
13 tion, equipment, operation, and dismantling of facili-
14 ties (during the fiscal year for which the report is
15 made) used to carry out the destruction of agents
16 and munitions under this section, including any acci-
17 dents or other unplanned occurrences associated
18 with such construction and operation.

19 “(B) A site-by-site description of actions taken
20 to assist State and local governments (either directly
21 or through the Federal Emergency Management
22 Agency) in carrying out functions relating to emer-
23 gency preparedness and response in accordance with
24 subsection (e).

1 “(C) An accounting of all funds expended (dur-
2 ing such fiscal year) for activities carried out under
3 this section, with a separate accounting for amounts
4 expended for—

5 “(i) the construction of and equipment for
6 facilities used for the destruction of agents and
7 munitions;

8 “(ii) the operation of such facilities;

9 “(iii) the dismantling or other closure of
10 such facilities;

11 “(iv) research and development;

12 “(v) program management;

13 “(vi) travel and associated travel costs for
14 Citizens’ Advisory Commissioners under sub-
15 section (m)(7); and

16 “(vii) grants to State and local govern-
17 ments to assist those governments in carrying
18 out functions relating to emergency prepared-
19 ness and response in accordance with sub-
20 section (e).

21 “(D) An assessment of the safety status and
22 the integrity of the stockpile of lethal chemical
23 agents and munitions subject to this section, includ-
24 ing—

1 “(i) an estimate on how much longer that
2 stockpile can continue to be stored safely;

3 “(ii) a site-by-site assessment of the safety
4 of those agents and munitions; and

5 “(iii) a description of the steps taken (to
6 the date of the report) to monitor the safety
7 status of the stockpile and to mitigate any fur-
8 ther deterioration of that status.

9 “(3) The Secretary shall transmit the final report
10 under paragraph (1) not later than 120 days following the
11 completion of activities under this section.

12 “(j) SEMIANNUAL REPORTS.—(1) Not later than
13 March 1 and September 1 each year until the year in
14 which the United States completes the destruction of its
15 entire stockpile of chemical weapons under the terms of
16 the Chemical Weapons Convention, the Secretary of De-
17 fense shall submit to the members and committees of Con-
18 gress referred to in paragraph (3) a report on the imple-
19 mentation by the United States of its chemical weapons
20 destruction obligations under the Chemical Weapons Con-
21 vention.

22 “(2) Each report under paragraph (1) shall include
23 the following:

24 “(A) The anticipated schedule at the time of
25 such report for the completion of destruction of

1 chemical agents, munitions, and materiel at each
2 chemical weapons demilitarization facility in the
3 United States.

4 “(B) A description of the options and alter-
5 natives for accelerating the completion of chemical
6 weapons destruction at each such facility, particu-
7 larly in time to meet the stockpile elimination dead-
8 line.

9 “(C) A description of the funding required to
10 achieve each of the options for destruction described
11 under subparagraph (B), and a detailed life-cycle
12 cost estimate for each of the affected facilities in-
13 cluded in each such funding profile.

14 “(D) A description of all actions being taken by
15 the United States to accelerate the destruction of its
16 entire stockpile of chemical weapons, agents, and
17 materiel in order to meet the current stockpile elimi-
18 nation deadline under the Chemical Weapons Con-
19 vention of April 29, 2012, or as soon thereafter as
20 possible.

21 “(3) The members and committees of Congress re-
22 ferred to in this paragraph are—

23 “(A) the majority leader and the minority lead-
24 er of the Senate and the Committee on Armed Serv-

1 ices and the Committee on Appropriations of the
2 Senate; and

3 “(B) the Speaker of the House of Representa-
4 tives, the majority leader and the minority leader of
5 the House of Representatives, and the Committee on
6 Armed Services and the Committee on Appropria-
7 tions of the House of Representatives.

8 “(k) AUTHORIZED USE OF TOXIC CHEMICALS.—
9 Consistent with United States obligations under the
10 Chemical Weapons Convention, the Secretary of Defense
11 may develop, produce, otherwise acquire, retain, transfer,
12 and use toxic chemicals and their precursors for purposes
13 not prohibited by the Chemical Weapons Convention if the
14 types and quantities of such chemicals and precursors are
15 consistent with such purposes, including for protective
16 purposes such as protection against toxic chemicals and
17 protection against chemical weapons.

18 “(l) SURVEILLANCE AND ASSESSMENT PROGRAM.—
19 The Secretary of Defense shall conduct an ongoing com-
20 prehensive program of—

21 “(1) surveillance of the existing United States
22 stockpile of chemical weapons; and

23 “(2) assessment of the condition of the stock-
24 pile.

1 “(m) CHEMICAL DEMILITARIZATION CITIZENS’ AD-
2 VISORY COMMISSIONS.—(1)(A) The Secretary of the Army
3 shall establish a citizens’ commission for each State in
4 which there is a chemical demilitarization facility under
5 Army management.

6 “(B) The Assistant Secretary of Defense for Nuclear,
7 Chemical, and Biological Defense Programs shall establish
8 a chemical demilitarization citizens’ commission in Colo-
9 rado and in Kentucky.

10 “(C) Each commission under this subsection shall be
11 known as the ‘Chemical Demilitarization Citizens’ Advi-
12 sory Commission’ for the State concerned.

13 “(2)(A) The Secretary of the Army, or the Depart-
14 ment of Defense with respect to Colorado and Kentucky,
15 shall provide for a representative to meet with each com-
16 mission established under this subsection to receive citizen
17 and State concerns regarding the ongoing program for the
18 disposal of the lethal chemical agents and munitions in
19 the stockpile referred to in subsection (a) at each of the
20 sites with respect to which a commission is established
21 pursuant to paragraph (1).

22 “(B) The Secretary of the Army shall provide for a
23 representative from the Office of the Assistant Secretary
24 of the Army (Acquisition, Logistics, and Technology) to
25 meet with each commission under Army management.

1 “(C) The Department of Defense shall provide for a
2 representative from the Office of the Assistant Secretary
3 of Defense for Nuclear, Chemical, and Biological Defense
4 Programs to meet with the commissions in Colorado and
5 Kentucky.

6 “(3)(A) Each commission under this subsection shall
7 be composed of nine members appointed by the Governor
8 of the State. Seven of such members shall be citizens from
9 the local affected areas in the State. The other two shall
10 be representatives of State government who have direct
11 responsibilities related to the chemical demilitarization
12 program.

13 “(B) For purposes of this paragraph, affected areas
14 are those areas located within a 50-mile radius of a chem-
15 ical weapons storage site.

16 “(4) For a period of five years after the termination
17 of any commission under this subsection, no corporation,
18 partnership, or other organization in which a member of
19 that commission, a spouse of a member of that commis-
20 sion, or a natural or adopted child of a member of that
21 commission has an ownership interest may be awarded—

22 “(A) a contract related to the disposal of lethal
23 chemical agents or munitions in the stockpile re-
24 ferred to in subsection (a); or

25 “(B) a subcontract under such a contract.

1 “(5) The members of each commission under this
2 subsection shall designate the chair of such commission
3 from among the members of such commission.

4 “(6) Each commission under this subsection shall
5 meet with a representative from the Army, or the Office
6 of the Assistant Secretary of Defense for Nuclear, Chem-
7 ical, and Biological Defense Programs with respect to the
8 commissions in Colorado and Kentucky, upon joint agree-
9 ment between the chair of such commission and that rep-
10 resentative. The two parties shall meet not less often than
11 twice a year and may meet more often at their discretion.

12 “(7) Members of each commission under this sub-
13 section shall receive no pay for their involvement in the
14 activities of their commissions. Funds appropriated for the
15 Chemical Stockpile Demilitarization Program may be used
16 for travel and associated travel costs for commissioners
17 of commissions under this subsection when such travel is
18 conducted at the invitation of the Assistant Secretary of
19 the Army (Acquisition, Logistics, and Technology) or the
20 invitation of the Assistant Secretary of Defense for Nu-
21 clear, Chemical, and Biological Defense Programs for the
22 commissions in Colorado and Kentucky.

23 “(8) Each commission under this subsection shall be
24 terminated after the closure activities required pursuant
25 to regulations prescribed by the Administrator of the En-

1 vironmental Protection Agency pursuant to the Solid
2 Waste Disposal Act (42 U.S.C. 6901 et seq.) have been
3 completed for the chemical agent destruction facility in
4 such commission's State, or upon the request of the Gov-
5 ernor of such commission's State, whichever occurs first.

6 “(n) INCENTIVE CLAUSES IN CHEMICAL DEMILI-
7 TARIZATION CONTRACTS.—(1)(A) The Secretary of De-
8 fense may, for the purpose specified in paragraph (B), au-
9 thorize the inclusion of an incentives clause in any con-
10 tract for the destruction of the United States stockpile of
11 lethal chemical agents and munitions carried out pursuant
12 to subsection (a).

13 “(B) The purpose of a clause referred to in subpara-
14 graph (A) is to provide the contractor for a chemical de-
15 militarization facility an incentive to accelerate the safe
16 elimination of the United States chemical weapons stock-
17 pile and to reduce the total cost of the Chemical Demili-
18 tarization Program by providing incentive payments for
19 the early completion of destruction operations and the clo-
20 sure of such facility.

21 “(2)(A) An incentives clause under this subsection
22 shall permit the contractor for the chemical demilitariza-
23 tion facility concerned the opportunity to earn incentive
24 payments for the completion of destruction operations and

1 facility closure activities within target incentive ranges
2 specified in such clause.

3 “(B) The maximum incentive payment under an in-
4 centives clause with respect to a chemical demilitarization
5 facility may not exceed the following amounts:

6 “(i) In the case of an incentive payment for the
7 completion of destruction operations within the tar-
8 get incentive range specified in such clause,
9 \$110,000,000.

10 “(ii) In the case of an incentive payment for the
11 completion of facility closure activities within the
12 target incentive range specified in such clause,
13 \$55,000,000.

14 “(C) An incentives clause in a contract under this
15 section shall specify the target incentive ranges of costs
16 for completion of destruction operations and facility clo-
17 sure activities, respectively, as jointly agreed upon by the
18 contracting officer and the contractor concerned. An in-
19 centives clause shall require a proportionate reduction in
20 the maximum incentive payment amounts in the event
21 that the contractor exceeds an agreed-upon target cost if
22 such excess costs are the responsibility of the contractor.

23 “(D) The amount of the incentive payment earned
24 by a contractor for a chemical demilitarization facility
25 under an incentives clause under this subsection shall be

1 based upon a determination by the Secretary on how early
2 in the target incentive range specified in such clause de-
3 struction operations or facility closure activities, as the
4 case may be, are completed.

5 “(E) The provisions of any incentives clause under
6 this subsection shall be consistent with the obligation of
7 the Secretary of Defense under subsection (d)(1)(A), to
8 provide for maximum protection for the environment, the
9 general public, and the personnel who are involved in the
10 destruction of the lethal chemical agents and munitions.

11 “(F) In negotiating the inclusion of an incentives
12 clause in a contract under this subsection, the Secretary
13 may include in such clause such additional terms and con-
14 ditions as the Secretary considers appropriate.

15 “(3)(A) No payment may be made under an incen-
16 tives clause under this subsection unless the Secretary de-
17 termines that the contractor concerned has satisfactorily
18 performed its duties under such incentives clause.

19 “(B) An incentives clause under this subsection shall
20 specify that the obligation of the Government to make
21 payment under such incentives clause is subject to the
22 availability of appropriations for that purpose. Amounts
23 appropriated for Chemical Agents and Munitions Destruc-
24 tion, Defense, shall be available for payments under incen-
25 tives clauses under this subsection.

1 “(o) DEFINITIONS.—In this section:

2 “(1) The term ‘chemical agent and munition’
3 means an agent or munition that, through its chem-
4 ical properties, produces lethal or other damaging ef-
5 fects on human beings, except that such term does
6 not include riot control agents, chemical herbicides,
7 smoke and other obscuration materials.

8 “(2) The term ‘Chemical Weapons Convention’
9 means the Convention on the Prohibition of Develop-
10 ment, Production, Stockpiling and Use of Chemical
11 Weapons and on Their Destruction, with annexes,
12 done at Paris, January 13, 1993, and entered into
13 force April 29, 1997 (T. Doc. 103–21).

14 “(3) The term ‘lethal chemical agent and muni-
15 tion’ means a chemical agent or munition that is de-
16 signed to cause death, through its chemical prop-
17 erties, to human beings in field concentrations.

18 “(4) The term ‘destruction’ means, with respect
19 to chemical munitions or agents—

20 “(A) the demolition of such munitions
21 or agents by incineration or by any other
22 means; or

23 “(B) the dismantling or other disposal of
24 such munitions or agents so as to make them

1 useless for military purposes and harmless to
2 human beings under normal circumstances.”.

3 (b) REPEAL OF LAWS RESTATED IN SECTION 1412
4 AND OBSOLETE PROVISIONS OF LAW.—The following pro-
5 visions of law are repealed:

6 (1) Section 125 of the National Defense Au-
7 thORIZATION Act for Fiscal Years 1988 and 1989
8 (Public Law 100–180; 101 Stat. 1043; 50 U.S.C.
9 1521 note).

10 (2) Sections 172, 174, 175, and 180 of the Na-
11 tional Defense Authorization Act for Fiscal Year
12 1993 (Public Law 102–484; 106 Stat. 2341; 50
13 U.S.C. 1521 note).

14 (3) Section 152 of the National Defense Au-
15 thORIZATION Act for Fiscal Year 1996 (50 U.S.C.
16 1521 note).

17 (4) Section 8065 of the Omnibus Consolidated
18 Appropriations Act, 1997 (50 U.S.C. 1521 note).

19 (5) Section 142 of the Strom Thurmond Na-
20 tional Defense Authorization Act for Fiscal Year
21 1999 (50 U.S.C. 1521 note).

22 (6) Section 141 of the National Defense Au-
23 thORIZATION Act for Fiscal Year 2000 (Public Law
24 106–65; 113 Stat. 537; 50 U.S.C. 1521 note).

1 (7) Section 8122 of the Department of Defense
2 Appropriations Act, 2003 (Public Law 107–248;
3 116 Stat. 1566; 50 U.S.C. 1521 note).

4 (8) Section 923 of the John Warner National
5 Defense Authorization Act for Fiscal Year 2007
6 (Public Law 109–364; 120 Stat. 2360; 50 U.S.C.
7 1521 note).

8 (9) Section 8119 of the Department of Defense
9 Appropriations Act, 2008 (Public Law 110–116;
10 121 Stat. 1340; 50 U.S.C. 1521 note).

11 (10) Section 922(c) of the National Defense
12 Authorization Act for Fiscal Year 2008 (Public Law
13 110–181; 122 Stat. 283; 50 U.S.C. 1521 note).

14 **Subtitle D—Other Matters**

15 **SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR** 16 **ARMED FORCES RETIREMENT HOME.**

17 There is hereby authorized to be appropriated for fis-
18 cal year 2011 from the Armed Forces Retirement Home
19 Trust Fund the sum of \$71,200,000 for the operation of
20 the Armed Forces Retirement Home.

1 **SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
2 **DEPARTMENT OF DEFENSE—DEPARTMENT OF**
3 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
4 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
5 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

6 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
7 funds authorized to be appropriated by section 1409 and
8 available for the Defense Health Program for operation
9 and maintenance, \$132,000,000 may be transferred by the
10 Secretary of Defense to the Joint Department of Defense—
11 Department of Veterans Affairs Medical Facility Dem-
12 onstration Fund established by subsection (a)(1) of sec-
13 tion 1704 of the National Defense Authorization Act for
14 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
15 For purposes of subsection (a)(2) of such section 1704,
16 any funds so transferred shall be treated as amounts au-
17 thorized and appropriated for the Department of Defense
18 specifically for such transfer.

19 (b) **USE OF TRANSFERRED FUNDS.**—For purposes
20 of subsection (b) of such section 1704, facility operations
21 for which funds transferred under subsection (a) may be
22 used are operations of the Captain James A. Lovell Fed-
23 eral Health Care Center, consisting of the North Chicago
24 Veterans Affairs Medical Center, the Navy Ambulatory
25 Care Center, and supporting facilities designated as a
26 combined Federal medical facility under an operational

1 agreement pursuant to section 706 of the Duncan Hunter
 2 National Defense Authorization Act for Fiscal Year 2009
 3 (Public Law 110–417; 122 Stat. 455).

4 **TITLE XV—AUTHORIZATION OF**
 5 **ADDITIONAL APPROPRIA-**
 6 **TIONS FOR OVERSEAS CON-**
 7 **TINGENCY 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.
- Sec. 1510. Operation and maintenance.
- Sec. 1511. Military personnel.
- Sec. 1512. Working capital funds.
- Sec. 1513. Defense Health Program.
- Sec. 1514. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1515. Defense Inspector General.

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.

1 **Subtitle A—Authorization of**
2 **Additional Appropriations**

3 **SEC. 1501. PURPOSE.**

4 The purpose of this subtitle is to authorize appropria-
5 tions for the Department of Defense for fiscal year 2011
6 to provide additional funds for overseas contingency oper-
7 ations being carried out by the Armed Forces.

8 **SEC. 1502. ARMY PROCUREMENT.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2011 for procurement accounts of the Army
11 in amounts as follows:

12 (1) For aircraft procurement, \$1,373,803,000.

13 (2) For missile procurement, \$343,828,000.

14 (3) For weapons and tracked combat vehicles
15 procurement, \$687,500,000.

16 (4) For ammunition procurement,
17 \$384,441,000.

18 (5) For other procurement, \$5,827,274,000.

19 **SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
20 **FUND.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2011 for the Joint Improvised Explosive Device
23 Defeat Fund in the amount of \$3,465,868,000.

1 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 for procurement accounts of the Navy and
4 Marine Corps in amounts as follows:

5 (1) For aircraft procurement, Navy,
6 \$420,358,000.

7 (2) For weapons procurement, Navy,
8 \$93,425,000.

9 (3) For ammunition procurement, Navy and
10 Marine Corps, \$565,084,000.

11 (4) For other procurement, Navy,
12 \$480,735,000.

13 (5) For procurement, Marine Corps,
14 \$1,705,069,000.

15 **SEC. 1505. AIR FORCE PROCUREMENT.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2011 for procurement accounts of the Air
18 Force in amounts as follows:

19 (1) For aircraft procurement, \$1,096,520,000.

20 (2) For ammunition procurement,
21 \$292,959,000.

22 (3) For missile procurement, \$56,621,000.

23 (4) For other procurement, \$2,992,681,000.

1 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 for the procurement account for Defense-
4 wide activities in the amount of \$844,546,000.

5 **SEC. 1507. NATIONAL GUARD AND RESERVE EQUIPMENT.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2011 for the procurement of aircraft, missiles,
8 wheeled and tracked combat vehicles, tactical wheeled ve-
9 hicles, ammunition, other weapons, and other procurement
10 for the reserve components of the Armed Forces in the
11 amount of \$700,000,000.

12 **SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
13 **FUND.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2011 for the Mine Resistant Ambush Protected
16 Vehicle Fund in the amount of \$3,415,000,000.

17 **SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
18 **TION.**

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

22 (1) For the Army, \$150,906,000.

23 (2) For the Navy, \$60,401,000.

24 (3) For the Air Force, \$266,241,000.

25 (4) For Defense-wide activities, \$661,240,000.

1 **SEC. 1510. OPERATION AND MAINTENANCE.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 for the use of the Armed Forces for ex-
4 penses, not otherwise provided for, for operation and
5 maintenance, in amounts as follows:

6 (1) For the Army, \$63,202,618,000.

7 (2) For the Navy, \$8,692,173,000.

8 (3) For the Marine Corps, \$4,136,522,000.

9 (4) For the Air Force, \$13,487,283,000

10 (5) For Defense-wide activities,
11 \$9,436,358,000.

12 (6) For the Army Reserve, \$286,950,000.

13 (7) For the Navy Reserve, \$93,559,000.

14 (8) For the Marine Corps Reserve,
15 \$29,685,000.

16 (9) For the Air Force Reserve, \$129,607,000.

17 (10) For the Army National Guard,
18 \$544,349,000.

19 (11) For the Air National Guard,
20 \$350,823,000.

21 (12) For the Afghanistan Security Forces
22 Fund, \$11,619,283,000.

23 (13) For the Iraq Security Forces Fund,
24 \$1,500,000,000.

25 (14) For the Overseas Contingency Operations
26 Transfer Fund, \$506,781,000.

1 **SEC. 1511. MILITARY PERSONNEL.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 for the Department of Defense for mili-
4 tary personnel in the amount of \$15,275,502,000.

5 **SEC. 1512. WORKING CAPITAL FUNDS.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2011 for the use of the Armed Forces and other
8 activities and agencies of the Department of Defense for
9 providing capital for working capital and revolving funds
10 in the amount of \$485,384,000.

11 **SEC. 1513. DEFENSE HEALTH PROGRAM.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2011 for ex-
14 penses, not otherwise provided for, for the Defense Health
15 Program in the amount of \$1,398,092,000 for operation
16 and maintenance.

17 **SEC. 1514. DRUG INTERDICTION AND COUNTER-DRUG AC-**
18 **TIVITIES, DEFENSE-WIDE.**

19 Funds are hereby authorized to be appropriated for
20 the Department of Defense for fiscal year 2011 for ex-
21 penses, not otherwise provided for, for Drug Interdiction
22 and Counter-Drug Activities, Defense-wide in the amount
23 of \$457,110,000.

24 **SEC. 1515. DEFENSE INSPECTOR GENERAL.**

25 Funds are hereby authorized to be appropriated for
26 the Department of Defense for fiscal year 2011 for ex-

1 penses, not otherwise provided for, for the Office of the
2 Inspector General of the Department of Defense in the
3 amount of \$10,529,000.

4 **Subtitle B—Financial Matters**

5 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

6 The amounts authorized to be appropriated by this
7 title are in addition to amounts otherwise authorized to
8 be appropriated by this Act.

9 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

10 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

11 (1) **AUTHORITY.**—Upon determination by the
12 Secretary of Defense that such action is necessary in
13 the national interest, the Secretary may transfer
14 amounts of authorizations made available to the De-
15 partment of Defense in this title for fiscal year 2011
16 between any such authorizations for that fiscal year
17 (or any subdivisions thereof). Amounts of authoriza-
18 tions so transferred shall be merged with and be
19 available for the same purposes as the authorization
20 to which transferred.

21 (2) **LIMITATION.**—The total amount of author-
22 izations that the Secretary may transfer under the
23 authority of this subsection may not exceed
24 \$4,000,000,000.

1 (b) TERMS AND CONDITIONS.—Transfers under this
2 section shall be subject to the same terms and conditions
3 as transfers under section 1001.

4 (c) ADDITIONAL AUTHORITY.—The transfer author-
5 ity provided by this section is in addition to the transfer
6 authority provided under section 1001.

7 **Subtitle C—Limitations and Other** 8 **Matters**

9 **SEC. 1531. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-** 10 **GHANISTAN SECURITY FORCES FUND.**

11 (a) APPLICATION OF EXISTING LIMITATIONS.—
12 Funds made available to the Department of Defense for
13 the Afghanistan Security Forces Fund for fiscal year 2011
14 shall be subject to the conditions contained in subsections
15 (b) through (g) of section 1513 of the National Defense
16 Authorization Act for Fiscal Year 2008 (Public Law 110–
17 181; 122 Stat. 428), as amended by subsection (b) of this
18 section.

19 (b) MODIFICATION OF PRIOR NOTICE AND REPORT-
20 ING REQUIREMENTS.—Section 1513 of the National De-
21 fense Authorization Act for Fiscal Year 2008 (Public Law
22 110–181; 122 Stat. 428) is amended—

23 (1) in subsection (e), by striking “five days”
24 and inserting “15 days”; and

1 (2) in subsection (g), by adding at the end the
2 following new sentence: “The Secretary may treat a
3 report submitted under section 9010 of the Depart-
4 ment of Defense Appropriations Act, 2010 (Public
5 Law 111–118; 123 Stat. 3466), or a successor pro-
6 vision of law, with respect to a fiscal-year quarter as
7 satisfying the requirements for a report under this
8 subsection for that fiscal-year quarter.”.

9 **SEC. 1532. LIMITATIONS ON AVAILABILITY OF FUNDS IN**
10 **IRAQ SECURITY FORCES FUND.**

11 (a) APPLICATION OF EXISTING LIMITATIONS.—Sub-
12 ject to subsection (b), funds made available to the Depart-
13 ment of Defense for the Iraq Security Forces Fund for
14 fiscal year 2011 shall be subject to the conditions con-
15 tained in subsections (b) through (g) of section 1512 of
16 the National Defense Authorization Act for Fiscal Year
17 2008 (Public Law 110–181; 122 Stat. 426), as amended
18 by subsection (d) of this section.

19 (b) COST-SHARE REQUIREMENT.—

20 (1) REQUIREMENT.—If funds made available to
21 the Department of Defense for the Iraq Security
22 Forces Fund for fiscal year 2011 are used for the
23 purchase of any item or service for Iraq Security
24 Forces, the funds may not cover more than 80 per-
25 cent of the cost of the item or service.

1 (2) EXCEPTION.—Paragraph (1) does not apply
2 to any item that the Secretary of Defense deter-
3 mines—

4 (A) is an item of significant military equip-
5 ment (as such term is defined in section 47(9)
6 of the Arms Export Control Act (22 U.S.C.
7 2794(9))); or

8 (B) is included on the United States Muni-
9 tions List, as designated pursuant to section
10 38(a)(1) of the Arms Export Control Act (22
11 U.S.C. 2778(a)(1)).

12 (c) LIMITATION ON OBLIGATION OF FUNDS PENDING
13 CERTAIN COMMITMENT BY GOVERNMENT OF IRAQ.—

14 (1) LIMITATION.—Of the amount available to
15 the Iraq Security Forces Fund as described in sub-
16 section (a), not more than \$1,000,000,000 may be
17 obligated until the Secretary of Defense certifies to
18 Congress that the Government of Iraq has dem-
19 onstrated a commitment to each of the following:

20 (A) To adequately build the logistics and
21 maintenance capacity of the Iraqi security
22 forces.

23 (B) To develop the institutional capacity to
24 manage such forces independently.

1 (C) To develop a culture of sustainment
2 for equipment provided by the United States or
3 acquired with United States assistance.

4 (2) BASIS FOR CERTIFICATION.—The certifi-
5 cation of the Secretary under paragraph (1) shall in-
6 clude a description of the actions taken by the Gov-
7 ernment of Iraq that, in the determination of the
8 Secretary, support the certification.

9 (d) MODIFICATION OF PRIOR NOTICE AND REPORT-
10 ING REQUIREMENTS.—Section 1512 of the National De-
11 fense Authorization Act for Fiscal Year 2008 (Public Law
12 110–181; 122 Stat. 426) is amended—

13 (1) in subsection (e), by striking “five days”
14 and inserting “15 days”; and

15 (2) in subsection (g), by adding at the end the
16 following new sentence: “The Secretary may treat a
17 report submitted under section 9010 of the Depart-
18 ment of Defense Appropriations Act, 2010 (Public
19 Law 111–118; 123 Stat. 3466), or a successor pro-
20 vision of law, with respect to a fiscal-year quarter as
21 satisfying the requirements for a report under this
22 subsection for that fiscal-year quarter.”.

1 **SEC. 1533. CONTINUATION OF PROHIBITION ON USE OF**
2 **UNITED STATES FUNDS FOR CERTAIN FACILI-**
3 **TIES PROJECTS IN IRAQ.**

4 Section 1508(a) of the Duncan Hunter National De-
5 fense Authorization Act for Fiscal Year 2009 (Public Law
6 110–417; 122 Stat. 4651) shall apply to funds authorized
7 to be appropriated by this title.

8 **SEC. 1534. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
9 **FUND.**

10 (a) USE AND TRANSFER OF FUNDS.—Subsections
11 (b) and (c) of section 1514 of the John Warner National
12 Defense Authorization Act for Fiscal Year 2007 (Public
13 Law 109–364; 120 Stat. 2439), as in effect before the
14 amendments made by section 1503 of the Duncan Hunter
15 National Defense Authorization Act for Fiscal Year 2009
16 (Public Law 110–417; 122 Stat. 4649), shall apply to the
17 funds made available to the Department of Defense for
18 the Joint Improvised Explosive Device Defeat Fund for
19 fiscal year 2011.

20 (b) MONTHLY OBLIGATIONS AND EXPENDITURE RE-
21 PORTS.—

22 (1) REPORTS REQUIRED.—Not later than 15
23 days after the end of each month of fiscal year
24 2011, the Secretary of Defense shall provide to the
25 congressional defense committees a report on the
26 Joint Improvised Explosive Device Defeat Fund ex-

1 plaining monthly commitments, obligations, and ex-
2 penditures by line of action.

3 (2) REPEAL OF SUPERSEDED REPORTING RE-
4 QUIREMENT.—Section 1514 of the John Warner Na-
5 tional Defense Authorization Act for Fiscal Year
6 2007 (Public Law 109–364; 120 Stat. 2439) is
7 amended by striking subsection (e).

8 **SEC. 1535. TASK FORCE FOR BUSINESS AND STABILITY OP-**
9 **ERATIONS IN AFGHANISTAN AND ECONOMIC**
10 **TRANSITION PLAN AND ECONOMIC STRAT-**
11 **EGY FOR AFGHANISTAN.**

12 (a) PROJECTS OF TASK FORCE FOR BUSINESS AND
13 STABILITY OPERATIONS IN AFGHANISTAN.—

14 (1) IN GENERAL.—The Task Force for Busi-
15 ness and Stability Operations in Afghanistan may
16 carry out projects to assist the commander of United
17 States Forces-Afghanistan and the Ambassador of
18 the United States Mission in Afghanistan to reduce
19 violence, enhance stability, and support economic
20 normalcy in Afghanistan through strategic business
21 and economic activities.

22 (2) DIRECTION, CONTROL, AND CONCUR-
23 RENCE.—A project carried out under paragraph (1)
24 shall be subject to—

1 (A) the direction and control of the Sec-
2 retary of Defense; and

3 (B) the concurrence of the Secretary of
4 State.

5 (3) SCOPE OF PROJECTS.—The projects carried
6 out under paragraph (1) may include projects that
7 facilitate private investment, industrial development,
8 banking and financial system development, agricul-
9 tural diversification and revitalization, and energy
10 development in and with respect to Afghanistan.

11 (4) FUNDING.—The Secretary may use funds
12 available for overseas contingency operations for op-
13 eration and maintenance for the Army for additional
14 activities to carry out projects under paragraph (1).
15 The amount of funds used under authority in the
16 preceding sentence may not exceed \$150,000,000.

17 (5) PROHIBITION ON USE OF CERTAIN
18 FUNDS.—Funds provided for the Commanders'
19 Emergency Response Program may not be utilized
20 to support or carry out projects of the Task Force
21 for Business and Stability Operations.

22 (6) REPORT.—Not later than October 31,
23 2011, the Secretary of Defense shall submit to the
24 appropriate congressional committees a report de-
25 scribing—

1 (A) the activities of the Task Force for
2 Business and Stability Operations in Afghani-
3 stan in support of Operation Enduring Free-
4 dom during fiscal year 2011, including the
5 projects carried out under paragraph (1) during
6 that fiscal year; and

7 (B) how the activities of the Task Force
8 for Business and Stability Operations in Af-
9 ghanistan support the long-term stabilization of
10 Afghanistan.

11 (7) EXPIRATION OF AUTHORITY.—The author-
12 ity provided in paragraph (1) shall expire on Sep-
13 tember 30, 2011.

14 (b) PLAN FOR TRANSITION OF TASK FORCE ACTIVI-
15 TIES TO AGENCY FOR INTERNATIONAL DEVELOPMENT.—

16 (1) PLAN REQUIRED.—The Secretary of De-
17 fense, the Administrator of the Agency for Inter-
18 national Development, and the Secretary of State
19 shall jointly develop a plan to transition the activi-
20 ties of the Task Force for Business and Stability
21 Operations in Afghanistan to the Department of
22 State.

23 (2) ELEMENTS OF PLAN.—The plan shall de-
24 scribe at a minimum the following:

1 (A) The activities carried out by the Task
2 Force for Business and Stability Operations in
3 Afghanistan in fiscal year 2011.

4 (B) Those activities that the Task Force
5 for Business and Stability Operations in Af-
6 ghanistan carried out in fiscal year 2011 that
7 the Agency for International Development will
8 continue in fiscal year 2012, including those ac-
9 tivities that, rather than explicitly continued,
10 may be merged with similar efforts carried out
11 by the Agency for International Development.

12 (C) Any activities carried out by the Task
13 Force for Business and Stability Operations in
14 Afghanistan in fiscal year 2011 that the Agency
15 for International Development will not continue
16 and the reasons that such activities shall not be
17 continued.

18 (D) Those actions that may be necessary
19 to transition activities carried out by the Task
20 Force for Business and Stability Operations in
21 Afghanistan in fiscal year 2011 and that will be
22 continued by the Agency for International De-
23 velopment in fiscal year 2012 from the Depart-
24 ment of Defense to the Agency for Inter-
25 national Development.

1 (3) REPORT REQUIRED.—At the same time that
2 the budget of the President is submitted to Congress
3 under section 1105(a) of title 31, United States
4 Code, for fiscal year 2012, the Secretary of Defense
5 shall submit the plan to the appropriate congress-
6 sional committees.

7 (c) REPORT ON ECONOMIC STRATEGY FOR AFGHANI-
8 STAN.—

9 (1) REPORT REQUIRED.—Not later than 180
10 days after the date of the enactment of this Act, the
11 President, acting through the Secretary of State and
12 the Secretary of Defense, shall submit to the appro-
13 priate congressional committees a report on an eco-
14 nomic strategy for Afghanistan that—

15 (A) supports the United States counter-
16 insurgency campaign in Afghanistan;

17 (B) promotes economic stabilization in Af-
18 ghanistan, consistent with a longer-term devel-
19 opment plan for Afghanistan; and

20 (C) enhances the establishment of sustain-
21 able institutions in Afghanistan.

22 (2) ELEMENTS.—The report shall include the
23 following:

24 (A) An identification of the sectors within
25 the Afghanistan economy that offer the greatest

1 economic opportunities to support the purposes
2 of the economic strategy for Afghanistan set
3 forth under paragraph (1).

4 (B) An assessment of the capabilities of
5 the Government of Afghanistan to increase rev-
6 enue generation to meet its own operational and
7 developmental costs in the short-term, medium-
8 term, and long-term.

9 (C) An assessment of the infrastructure
10 (water, power, rail, road) required to underpin
11 economic development in Afghanistan.

12 (D) A description of the potential role in
13 the economic strategy for Afghanistan of each
14 of the following:

15 (i) Private sector investment, includ-
16 ing investment by and through the Over-
17 seas Private Investment Corporation.

18 (ii) Efforts to promote public-private
19 partnerships.

20 (iii) National Priority Programs of the
21 Government of Afghanistan, including the
22 Afghanistan National Solidarity Program,
23 and public works projects.

24 (iv) International financial institu-
25 tions, including the International Bank for

1 Reconstruction and Development and the
2 Asian Development Bank.

3 (v) Efforts to promote trade, includ-
4 ing efforts by and through the Export-Im-
5 port Bank of the United States.

6 (vi) Department of Defense policies to
7 promote economic stabilization and devel-
8 opment, including the Afghanistan First
9 procurement policy and efforts by the De-
10 partment to enhance transportation, elec-
11 trification, and communications networks
12 both within Afghanistan and between Af-
13 ghanistan and neighboring countries.

14 (E) An evaluation of the regional dimen-
15 sion of an economic strategy for Afghanistan,
16 including a description of economic areas suit-
17 able for regional collaboration and a
18 prioritization among such areas for attention
19 under the strategy.

20 (F) A timeline and milestones for activities
21 that can promote economic stabilization, devel-
22 opment, and sustainability in Afghanistan in
23 the short-term, medium-term, and long-term.

24 (G) Metrics for assessing progress under
25 the economic strategy for Afghanistan.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
 2 DEFINED.—In this section, the term “appropriate con-
 3 gressional committees” means—

4 (1) the Committees on Armed Services, Foreign
 5 Relations, and Appropriations of the Senate; and

6 (2) the Committees on Armed Services, Foreign
 7 Affairs, and Appropriations of the House of Rep-
 8 resentatives.

9 **TITLE XVI—IMPROVED SEXUAL**
 10 **ASSAULT PREVENTION AND**
 11 **RESPONSE IN THE ARMED**
 12 **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.

1 **SEC. 1601. DEFINITION OF DEPARTMENT OF DEFENSE SEX-**
2 **UAL ASSAULT PREVENTION AND RESPONSE**
3 **PROGRAM AND OTHER DEFINITIONS.**

4 (a) **SEXUAL ASSAULT PREVENTION AND RESPONSE**
5 **PROGRAM DEFINED.**—In this title, the term “sexual as-
6 sault prevention and response program” refers to Depart-
7 ment of Defense policies and programs, including policies
8 and programs of a specific military department or Armed
9 Force, that, as modified as required by this title—

10 (1) are intended to reduce the number of sexual
11 assaults involving members of the Armed Forces,
12 whether members are the victim, alleged assailant,
13 or both; and

14 (2) improve the response of the Department of
15 Defense, the military departments, and the Armed
16 Forces to reports of sexual assaults involving mem-
17 bers of the Armed Forces, whether members are the
18 victim, alleged assailant, or both, and to reports of
19 sexual assaults when a covered beneficiary under
20 chapter 55 of title 10, United States Code, is the
21 victim.

22 (b) **OTHER DEFINITIONS.**—In this title:

23 (1) The term “Armed Forces” means the
24 Army, Navy, Air Force, and Marine Corps.

1 (2) The terms “covered beneficiary” and “de-
2 pendent” have the meanings given those terms in
3 section 1072 of title 10, United States Code.

4 (3) The term “department” has the meaning
5 given that term in section 101(a)(6) of title 10,
6 United States Code.

7 (4) The term “military installation” has the
8 meaning given that term by the Secretary concerned.

9 (5) The term “Secretary concerned” means—

10 (A) the Secretary of the Army, with re-
11 spect to matters concerning the Army;

12 (B) the Secretary of the Navy, with re-
13 spect to matters concerning the Navy and the
14 Marine Corps; and

15 (C) the Secretary of the Air Force, with
16 respect to matters concerning the Air Force.

17 (6) The term “sexual assault” has the defini-
18 tion developed for that term by the Secretary of De-
19 fense pursuant to subsection (a)(3) of section 577 of
20 the Ronald W. Reagan National Defense Authoriza-
21 tion Act for Fiscal Year 2005 (Public Law 108–375;
22 10 U.S.C. 113 note), subject to such modifications
23 as the Secretary considers appropriate.

1 **SEC. 1602. COMPREHENSIVE DEPARTMENT OF DEFENSE**
2 **POLICY ON SEXUAL ASSAULT PREVENTION**
3 **AND RESPONSE PROGRAM.**

4 (a) **COMPREHENSIVE POLICY REQUIRED.**—Not later
5 than March 30, 2012, the Secretary of Defense shall sub-
6 mit to the congressional defense committees a revised com-
7 prehensive policy for the Department of Defense sexual
8 assault prevention and response program that—

9 (1) builds upon the comprehensive sexual as-
10 sault prevention and response policy developed under
11 subsections (a) and (b) of section 577 of the Ronald
12 W. Reagan National Defense Authorization Act for
13 Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.
14 113 note);

15 (2) incorporates into the sexual assault preven-
16 tion and response program the new requirements
17 identified by this title; and

18 (3) ensures that the policies and procedures of
19 the military departments regarding sexual assault
20 prevention and response are consistent with the re-
21 vised comprehensive policy.

22 (b) **CONSIDERATION OF TASK FORCE FINDINGS,**
23 **RECOMMENDATIONS, AND PRACTICES.**—In developing the
24 comprehensive policy required by subsection (a), the Sec-
25 retary of Defense shall take into account the findings and
26 recommendations found in the report of the Defense Task

1 Force on Sexual Assault in the Military Services issued
2 in December 2009.

3 (c) SEXUAL ASSAULT PREVENTION AND RESPONSE
4 EVALUATION PLAN.—

5 (1) PLAN REQUIRED.—The Secretary of De-
6 fense shall develop and implement an evaluation
7 plan for assessing the effectiveness of the com-
8 prehensive policy prepared under subsection (a) in
9 achieving its intended outcomes at the department
10 and individual Armed Force levels.

11 (2) ROLE OF SERVICE SECRETARIES.—As a
12 component of the evaluation plan, the Secretary of
13 each military department shall assess the adequacy
14 of measures undertaken at military installations and
15 by units of the Armed Forces under the jurisdiction
16 of the Secretary to ensure the safest and most se-
17 cure living and working environments with regard to
18 preventing sexual assault.

19 (d) PROGRESS REPORT.—Not later than October 1,
20 2011, the Secretary of Defense shall submit to the con-
21 gressional defense committees a report—

22 (1) describing the process by which the com-
23 prehensive policy required by subsection (a) is being
24 revised;

1 (2) describing the extent to which revisions of
2 the comprehensive policy and the evaluation plan re-
3 quired by subsection (c) have already been imple-
4 mented; and

5 (3) containing a determination by the Secretary
6 regarding whether the Secretary will be able to com-
7 ply with the revision deadline specified in subsection
8 (a).

9 (e) CONSISTENCY OF TERMINOLOGY, POSITION DE-
10 SCRIPTIONS, PROGRAM STANDARDS, AND ORGANIZA-
11 TIONAL STRUCTURES.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall require the use of consistent terminology, posi-
14 tion descriptions, minimum program standards, and
15 organizational structures throughout the Armed
16 Forces in implementing the sexual assault preven-
17 tion and response program.

18 (2) MINIMUM STANDARDS.—The Secretary of
19 Defense shall establish minimum standards for—

20 (A) the training, qualifications, and status
21 of Sexual Assault Response Coordinators and
22 Sexual Assault Victim Advocates for the Armed
23 Forces; and

24 (B) the curricula to be used to provide sex-
25 ual assault prevention and response training

1 and education for members of the Armed
2 Forces and civilian employees of the department
3 to strengthen individual knowledge, skills, and
4 capacity to prevent and respond to sexual as-
5 sault.

6 (3) RECOGNIZING OPERATIONAL DIF-
7 FERENCES.—In complying with this subsection, the
8 Secretary of Defense shall take into account the re-
9 sponsibilities of the Secretary concerned and oper-
10 ational needs of the Armed Force involved.

11 **Subtitle A—Organizational Struc-**
12 **ture and Application of Sexual**
13 **Assault Prevention and Re-**
14 **sponse Program Elements**

15 **SEC. 1611. SEXUAL ASSAULT PREVENTION AND RESPONSE**
16 **OFFICE.**

17 (a) APPOINTMENT OF DIRECTOR.—There shall be a
18 Director of the Sexual Assault Prevention and Response
19 Office. During the development and implementation of the
20 comprehensive policy for the Department of Defense sex-
21 ual assault prevention and response program, the Director
22 shall operate under the oversight of the Advisory Working
23 Group of the Deputy Secretary of Defense.

24 (b) DUTIES OF DIRECTOR.—The Director of the Sex-
25 ual Assault Prevention and Response Office shall—

1 (1) oversee implementation of the comprehen-
2 sive policy for the Department of Defense sexual as-
3 sault prevention and response program;

4 (2) serve as the single point of authority, ac-
5 countability, and oversight for the sexual assault
6 prevention and response program; and

7 (3) provide oversight to ensure that the military
8 departments comply with the sexual assault preven-
9 tion and response program.

10 (c) ROLE OF INSPECTORS GENERAL.—

11 (1) IN GENERAL.—The Inspector General of
12 the Department of Defense, the Inspector General of
13 the Army, the Naval Inspector General, and the In-
14 spector General of the Air Force shall treat the sex-
15 ual assault prevention and response program as an
16 item of special interest when conducting inspections
17 of organizations and activities with responsibilities
18 regarding the prevention and response to sexual as-
19 sault.

20 (2) COMPOSITION OF INVESTIGATION TEAMS.—

21 The Inspector General inspection teams shall include
22 at least one member with expertise and knowledge of
23 sexual assault prevention and response policies re-
24 lated to a specific Armed Force.

25 (d) STAFF.—

1 (1) ASSIGNMENT.—Not later than 18 months
2 after the date of the enactment of this Act, an offi-
3 cer from each of the Armed Forces in the grade of
4 O–4 or above shall be assigned to the Sexual Assault
5 Prevention and Response Office for a minimum tour
6 length of at least 18 months.

7 (2) HIGHER GRADE.—Notwithstanding para-
8 graph (1), of the four officers assigned to the Sexual
9 Assault Prevention and Response Office under this
10 subsection at any time, one officer shall be in the
11 grade of O–6 or above.

12 **SEC. 1612. OVERSIGHT AND EVALUATION STANDARDS.**

13 (a) ISSUANCE OF STANDARDS.—The Secretary of
14 Defense shall issue standards to assess and evaluate the
15 effectiveness of the sexual assault prevention and response
16 program of each Armed Force in reducing the number of
17 sexual assaults involving members of the Armed Forces
18 and in improving the response of the department to re-
19 ports of sexual assaults involving members of the Armed
20 Forces, whether members of the Armed Forces are the
21 victim, alleged assailant, or both.

22 (b) SEXUAL ASSAULT PREVENTION EVALUATION
23 PLAN.—The Secretary of Defense shall use the sexual as-
24 sault prevention and response evaluation plan developed
25 under section 1602(c) to ensure that the Armed Forces

1 implement and comply with assessment and evaluation
2 standards issued under subsection (a).

3 **SEC. 1613. REPORT AND PLAN FOR COMPLETION OF ACQUI-**
4 **SITION OF CENTRALIZED DEPARTMENT OF**
5 **DEFENSE SEXUAL ASSAULT DATABASE.**

6 (a) REPORT AND PLAN REQUIRED.—Not later than
7 April 1, 2011, the Secretary of Defense shall submit to
8 the Committees on Armed Services of the Senate and
9 House of Representatives a report—

10 (1) describing the status of development and
11 implementation of the centralized Department of
12 Defense sexual assault database required by section
13 563 of the Duncan Hunter National Defense Au-
14 thorization Act for Fiscal Year 2009 (Public Law
15 110–417; 122 Stat. 4470; 10 U.S.C. 113 note);

16 (2) containing a revised implementation plan
17 under subsection (c) of such section for completing
18 implementation of the database; and

19 (3) indicating the date by which the database
20 will be operational.

21 (b) CONTENT OF IMPLEMENTATION PLAN.—The
22 plan referred to in subsection (a)(2) shall address acqui-
23 sition best practices associated with successfully acquiring
24 and deploying information technology systems related to
25 the centralized sexual assault database, such as economi-

1 cally justifying the proposed system solution and effec-
2 tively developing and managing requirements.

3 **SEC. 1614. RESTRICTED REPORTING OF SEXUAL ASSAULTS.**

4 The Secretary of Defense shall clarify the limitations
5 on the ability of a member of the Armed Forces to make
6 a restricted report regarding the occurrence of a sexual
7 assault and the circumstances under which information
8 contained in a restricted report may no longer be confiden-
9 tial.

10 **Subtitle B—Improved and**
11 **Expanded Availability of Services**

12 **SEC. 1621. IMPROVED PROTOCOLS FOR PROVIDING MED-**
13 **ICAL CARE FOR VICTIMS OF SEXUAL AS-**
14 **SAULT.**

15 The Secretary of Defense shall establish comprehen-
16 sive and consistent protocols for providing and docu-
17 menting medical care to a member of the Armed Forces
18 or covered beneficiary who is a victim of a sexual assault,
19 including protocols with respect to the appropriate screen-
20 ing, prevention, and mitigation of diseases. In establishing
21 the protocols, the Secretary shall take into consideration
22 the gender of the victim.

1 **SEC. 1622. SEXUAL ASSAULT VICTIMS ACCESS TO VICTIM**
2 **ADVOCATE SERVICES.**

3 (a) AVAILABILITY OF VICTIM ADVOCATE SERV-
4 ICES.—

5 (1) AVAILABILITY.—A member of the Armed
6 Forces or a dependent, as described in paragraph
7 (2), who is the victim of a sexual assault is entitled
8 to assistance provided by a qualified Sexual Assault
9 Victim Advocate.

10 (2) COVERED DEPENDENTS.—The assistance
11 described in paragraph (1) is available to a depend-
12 ent of a member of the Armed Forces who is the vic-
13 tim of a sexual assault and who resides on or in the
14 vicinity of a military installation. The Secretary con-
15 cerned shall define the term “vicinity” for purposes
16 of this paragraph.

17 (b) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT
18 OUT.—The member or dependent shall be informed of the
19 availability of assistance under subsection (a) as soon as
20 the member or dependent seeks assistance from a Sexual
21 Assault Response Coordinator. The victim shall also be in-
22 formed that the services of a Sexual Assault Response Co-
23 ordinator and Sexual Assault Victim Advocate are optional
24 and that these services may be declined, in whole or in
25 part, at any time.

1 (c) NATURE OF REPORTING IMMATERIAL.—In the
2 case of a member of the Armed Forces, Victim Advocate
3 services are available regardless of whether the member
4 elects unrestricted or restricted (confidential) reporting of
5 the sexual assault.

6 **Subtitle C—Reporting** 7 **Requirements**

8 **SEC. 1631. ANNUAL REPORT REGARDING SEXUAL AS-** 9 **SAULTS INVOLVING MEMBERS OF THE** 10 **ARMED FORCES AND IMPROVEMENT TO SEX-** 11 **UAL ASSAULT PREVENTION AND RESPONSE** 12 **PROGRAM.**

13 (a) ANNUAL REPORTS ON SEXUAL ASSAULTS.—Not
14 later than March 1, 2012, and each March 1 thereafter
15 through March 1, 2017, the Secretary of each military de-
16 partment shall submit to the Secretary of Defense a report
17 on the sexual assaults involving members of the Armed
18 Forces under the jurisdiction of that Secretary during the
19 preceding year. In the case of the Secretary of the Navy,
20 separate reports shall be prepared for the Navy and for
21 the Marine Corps.

22 (b) CONTENTS.—The report of a Secretary of a mili-
23 tary department for an Armed Force under subsection (a)
24 shall contain the following:

1 (1) The number of sexual assaults committed
2 against members of the Armed Force that were re-
3 ported to military officials during the year covered
4 by the report, and the number of the cases so re-
5 ported that were substantiated.

6 (2) The number of sexual assaults committed
7 by members of the Armed Force that were reported
8 to military officials during the year covered by the
9 report, and the number of the cases so reported that
10 were substantiated. The information required by this
11 paragraph may not be combined with the informa-
12 tion required by paragraph (1).

13 (3) A synopsis of each such substantiated case,
14 organized by offense, and, for each such case, the
15 action taken in the case, including the type of dis-
16 ciplinary or administrative sanction imposed, if any,
17 including courts-martial sentences, non-judicial pun-
18 ishments administered by commanding officers pur-
19 suant to section 815 of title 10, United States Code
20 (article 15 of the Uniform Code of Military Justice),
21 and administrative separations.

22 (4) The policies, procedures, and processes im-
23 plemented by the Secretary concerned during the
24 year covered by the report in response to incidents

1 of sexual assault involving members of the Armed
2 Force concerned.

3 (5) The number of substantiated sexual assault
4 cases in which the victim is a deployed member of
5 the Armed Forces and the assailant is a foreign na-
6 tional, and the policies, procedures, and processes
7 implemented by the Secretary concerned to monitor
8 the investigative processes and disposition of such
9 cases and any actions taken to eliminate any gaps
10 in investigating and adjudicating such cases.

11 (6) A description of the implementation of the
12 accessibility plan implemented pursuant to section
13 596(b) of such Act, including a description of the
14 steps taken during that year to ensure that trained
15 personnel, appropriate supplies, and transportation
16 resources are accessible to deployed units in order to
17 provide an appropriate and timely response in any
18 case of reported sexual assault in a deployed unit,
19 location, or environment.

20 (c) CONSISTENT DEFINITION OF SUBSTANTIATED.—
21 Not later than December 31, 2011, the Secretary of De-
22 fense shall establish a consistent definition of “substan-
23 tiated” for purposes of paragraphs (1), (2), (3), and (5)
24 of subsection (b) and provide synopses for those cases for
25 the preparation of reports under this section.

1 (d) SUBMISSION TO CONGRESS.—Not later than
2 April 30 of each year in which the Secretary of Defense
3 receives reports under subsection (a), the Secretary of De-
4 fense shall forward the reports to the Committees on
5 Armed Services of the Senate and House of Representa-
6 tives, together with—

7 (1) the results of assessments conducted under
8 the evaluation plan required by section 1602(c); and

9 (2) such assessments on the reports as the Sec-
10 retary of Defense considers appropriate.

11 (e) REPEAL OF SUPERSEDED REPORTING REQUIRE-
12 MENT.—

13 (1) REPEAL.—Subsection (f) of section 577 of
14 the Ronald W. Reagan National Defense Authoriza-
15 tion Act for Fiscal Year 2005 (Public Law 108–375;
16 10 U.S.C. 113 note) is repealed.

17 (2) SUBMISSION OF 2010 REPORT.—The reports
18 required by subsection (f) of section 577 of the Ron-
19 ald W. Reagan National Defense Authorization Act
20 for Fiscal Year 2005 (Public Law 108–375; 10
21 U.S.C. 113 note) covering calendar year 2010 are
22 still required to be submitted to the Secretary of De-
23 fense and the Committees on Armed Services of the
24 Senate and House of Representatives pursuant to

1 the terms of such subsection, as in effect before the
2 date of the enactment of this Act.

3 **SEC. 1632. ADDITIONAL REPORTS.**

4 (a) EXTENSION OF SEXUAL ASSAULT PREVENTION
5 AND RESPONSE SERVICES TO ADDITIONAL PERSONS.—

6 The Secretary of Defense shall evaluate the feasibility of
7 extending department sexual assault prevention and re-
8 sponse services to Department of Defense civilian employ-
9 ees and employees of defense contractors who—

10 (1) are victims of a sexual assault; and

11 (2) work on or in the vicinity of a military in-
12 stallation or with members of the Armed Forces.

13 (b) EXTENSION OF SEXUAL ASSAULT PREVENTION
14 AND RESPONSE PROGRAM TO RESERVE COMPONENTS.—

15 The Secretary of Defense shall evaluate the application
16 of the sexual assault prevention and response program to
17 members of the reserve components, including, at a min-
18 imum, the following:

19 (1) The ability of members of the reserve com-
20 ponents to access the services available under the
21 sexual assault prevention and response program, in-
22 cluding policies and programs of a specific military
23 department or Armed Force.

1 (2) The quality of training provided to Sexual
2 Assault Response Coordinators and Sexual Assault
3 Victim Advocates in the reserve components.

4 (3) The degree to which the services available
5 for regular and reserve members under the sexual
6 assault prevention and response program are inte-
7 grated.

8 (4) Such recommendations as the Secretary of
9 Defense considers appropriate on how to improve the
10 services available for reserve members under the sex-
11 ual assault prevention and response program and
12 their access to the services.

13 (c) COPY OF RECORD OF COURT-MARTIAL TO VICTIM
14 OF SEXUAL ASSAULT.—The Secretary of Defense shall
15 evaluate the feasibility of requiring that a copy of the pre-
16 pared record of the proceedings of a general or special
17 court-martial involving a sexual assault be given to the
18 victim in cases in which the victim testified during the pro-
19 ceedings.

20 (d) ACCESS TO LEGAL ASSISTANCE.—The Secretary
21 of Defense shall evaluate the feasibility of authorizing
22 members of the Armed Forces who are victims of a sexual
23 assault and dependents of members who are victims of a
24 sexual assault to receive legal assistance provided by a
25 military legal assistance counsel certified as competent to

1 provide legal assistance related to responding to sexual as-
2 sault.

3 (e) USE OF FORENSIC MEDICAL EXAMINERS.—The
4 Secretary of Defense shall evaluate the feasibility of uti-
5 lizing, when sexual assaults involving members of the
6 Armed Forces occur in a military environment where civil-
7 ian resources are limited or unavailable, forensic medical
8 examiners who are specially trained regarding the collec-
9 tion and preservation of evidence in cases involving sexual
10 assault.

11 (f) SUBMISSION OF RESULTS.—The Secretary of De-
12 fense shall submit the results of the evaluations required
13 by this section to the Committees on Armed Services of
14 the Senate and House of Representatives.

15 **TITLE XVII—GUAM WORLD WAR** 16 **II LOYALTY RECOGNITION ACT**

Sec. 1701. Short title.

Sec. 1702. Recognition of the suffering and loyalty of the residents of Guam.

Sec. 1703. Payments for Guam World War II claims.

Sec. 1704. Adjudication.

Sec. 1705. Grants program to memorialize the occupation of Guam during
World War II.

Sec. 1706. Authorization of appropriations.

17 **SEC. 1701. SHORT TITLE.**

18 This title may be cited as the “Guam World War II
19 Loyalty Recognition Act”.

1 **SEC. 1702. RECOGNITION OF THE SUFFERING AND LOY-**
2 **ALTY OF THE RESIDENTS OF GUAM.**

3 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
4 DENTS OF GUAM.—The United States recognizes that, as
5 described by the Guam War Claims Review Commission,
6 the residents of Guam, on account of their United States
7 nationality, suffered unspeakable harm as a result of the
8 occupation of Guam by Imperial Japanese military forces
9 during World War II, by being subjected to death, rape,
10 severe personal injury, personal injury, forced labor,
11 forced march, or internment.

12 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
13 DENTS OF GUAM.—The United States forever will be
14 grateful to the residents of Guam for their steadfast loy-
15 alty to the United States of America, as demonstrated by
16 the countless acts of courage they performed despite the
17 threat of death or great bodily harm they faced at the
18 hands of the Imperial Japanese military forces that occu-
19 pied Guam during World War II.

20 **SEC. 1703. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

21 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
22 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
23 Subject to the availability of appropriations authorized to
24 be appropriated under section 1706(a), after receipt of
25 certification pursuant to section 1704(b)(8) and in accord-

1 ance with the provisions of this title, the Secretary of the
2 Treasury shall make payments as follows:

3 (1) RESIDENTS INJURED.—Before any pay-
4 ments are made to individuals described in para-
5 graph (2), the Secretary shall pay compensable
6 Guam victims who are not deceased as follows:

7 (A) If the victim has suffered an injury de-
8 scribed in subsection (c)(2)(A), \$15,000.

9 (B) If the victim is not described in sub-
10 paragraph (A) but has suffered an injury de-
11 scribed in subsection (c)(2)(B), \$12,000.

12 (C) If the victim is not described in sub-
13 paragraph (A) or (B) but has suffered an in-
14 jury described in subsection (c)(2)(C), \$10,000.

15 (2) SURVIVORS OF RESIDENTS WHO DIED IN
16 WAR.—In the case of a compensable Guam decedent,
17 the Secretary shall pay \$25,000 for distribution to
18 eligible survivors of the decedent as specified in sub-
19 section (b). The Secretary shall make payments
20 under this paragraph after payments are made
21 under paragraph (1).

22 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
23 ments under paragraph (2) of subsection (a) to eligible
24 survivors of an individual who is a compensable Guam de-
25 cedent shall be made as follows:

1 (1) If there is living a spouse of the individual,
2 but no child of the individual, all of the payment
3 shall be made to such spouse.

4 (2) If there is living a spouse of the individual
5 and one or more children of the individual, one-half
6 of the payment shall be made to the spouse and the
7 other half to the child (or to the children in equal
8 shares).

9 (3) If there is no living spouse of the individual,
10 but there are one or more children of the individual
11 alive, all of the payment shall be made to such child
12 (or to such children in equal shares).

13 (4) If there is no living spouse or child of the
14 individual but there is a living parent (or parents)
15 of the individual, all of the payment shall be made
16 to the parent (or to the parents in equal shares).

17 (5) If there is no such living spouse, child, or
18 parent, no payment shall be made.

19 (c) DEFINITIONS.—For purposes of this title:

20 (1) COMPENSABLE GUAM DECEDENT.—The
21 term “compensable Guam decedent” means an indi-
22 vidual determined under section 1704 to have been
23 a resident of Guam who died or was killed as a re-
24 sult of the attack and occupation of Guam by Impe-
25 rial Japanese military forces during World War II,

1 or incident to the liberation of Guam by United
2 States military forces, and whose death would have
3 been compensable under the Guam Meritorious
4 Claims Act of 1945 (Public Law 79–224) if a timely
5 claim had been filed under the terms of such Act.

6 (2) COMPENSABLE GUAM VICTIM.—The term
7 “compensable Guam victim” means an individual de-
8 termined under section 1704 to have suffered, as a
9 result of the attack and occupation of Guam by Im-
10 perial Japanese military forces during World War II,
11 or incident to the liberation of Guam by United
12 States military forces, any of the following:

13 (A) Rape or severe personal injury (such
14 as loss of a limb, dismemberment, or paralysis).

15 (B) Forced labor or a personal injury not
16 under subparagraph (A) (such as disfigure-
17 ment, scarring, or burns).

18 (C) Forced march, internment, or hiding
19 to evade internment.

20 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
21 RIES AND PERSONAL INJURIES.—The Foreign
22 Claims Settlement Commission shall promulgate reg-
23 ulations to specify injuries that constitute a severe
24 personal injury or a personal injury for purposes of

1 subparagraphs (A) and (B), respectively, of para-
2 graph (2).

3 **SEC. 1704. ADJUDICATION.**

4 (a) **AUTHORITY OF FOREIGN CLAIMS SETTLEMENT**
5 **COMMISSION.—**

6 (1) **IN GENERAL.—**The Foreign Claims Settle-
7 ment Commission is authorized to adjudicate claims
8 and determine eligibility for payments under section
9 1703.

10 (2) **RULES AND REGULATIONS.—**The chairman
11 of the Foreign Claims Settlement Commission shall
12 prescribe such rules and regulations as may be nec-
13 essary to enable it to carry out its functions under
14 this title. Such rules and regulations shall be pub-
15 lished in the Federal Register.

16 (b) **CLAIMS SUBMITTED FOR PAYMENTS.—**

17 (1) **SUBMITTAL OF CLAIM.—**For purposes of
18 subsection (a)(1) and subject to paragraph (2), the
19 Foreign Claims Settlement Commission may not de-
20 termine an individual is eligible for a payment under
21 section 1703 unless the individual submits to the
22 Commission a claim in such manner and form and
23 containing such information as the Commission
24 specifies.

1 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

2 All claims for a payment under section 1703 shall be
3 filed within one year after the Foreign Claims Set-
4 tlement Commission publishes public notice of the
5 filing period in the Federal Register. The Foreign
6 Claims Settlement Commission shall provide for the
7 notice required under the previous sentence not later
8 than 180 days after the date of the enactment of
9 this title. In addition, the Commission shall cause to
10 be publicized the public notice of the deadline for fil-
11 ing claims in newspaper, radio, and television media
12 on Guam.

13 (3) ADJUDICATORY DECISIONS.—The decision
14 of the Foreign Claims Settlement Commission on
15 each claim shall be by majority vote, shall be in writ-
16 ing, and shall state the reasons for the approval or
17 denial of the claim. If approved, the decision shall
18 also state the amount of the payment awarded and
19 the distribution, if any, to be made of the payment.

20 (4) DEDUCTIONS IN PAYMENT.—The Foreign
21 Claims Settlement Commission shall deduct, from
22 potential payments, amounts previously paid under
23 the Guam Meritorious Claims Act of 1945 (Public
24 Law 79–224).

1 (5) INTEREST.—No interest shall be paid on
2 payments awarded by the Foreign Claims Settlement
3 Commission.

4 (6) REMUNERATION PROHIBITED.—No remun-
5 eration on account of representational services ren-
6 dered on behalf of any claimant in connection with
7 any claim filed with the Foreign Claims Settlement
8 Commission under this title shall exceed one percent
9 of the total amount paid pursuant to any payment
10 certified under the provisions of this title on account
11 of such claim. Any agreement to the contrary shall
12 be unlawful and void. Whoever demands or receives,
13 on account of services so rendered, any remunera-
14 tion in excess of the maximum permitted by this sec-
15 tion shall be fined not more than \$5,000 or impris-
16 oned not more than 12 months, or both.

17 (7) APPEALS AND FINALITY.—Objections and
18 appeals of decisions of the Foreign Claims Settle-
19 ment Commission shall be to the Commission, and
20 upon rehearing, the decision in each claim shall be
21 final, and not subject to further review by any court
22 or agency.

23 (8) CERTIFICATIONS FOR PAYMENT.—After a
24 decision approving a claim becomes final, the chair-
25 man of the Foreign Claims Settlement Commission

1 shall certify it to the Secretary of the Treasury for
2 authorization of a payment under section 1703.

3 (9) TREATMENT OF AFFIDAVITS.—For pur-
4 poses of section 1703 and subject to paragraph (2),
5 the Foreign Claims Settlement Commission shall
6 treat a claim that is accompanied by an affidavit of
7 an individual that attests to all of the material facts
8 required for establishing eligibility of such individual
9 for payment under such section as establishing a
10 prima facie case of the individual's eligibility for
11 such payment without the need for further docu-
12 mentation, except as the Commission may otherwise
13 require. Such material facts shall include, with re-
14 spect to a claim under paragraph (2) or (3) of sec-
15 tion 1703(a), a detailed description of the injury or
16 other circumstance supporting the claim involved, in-
17 cluding the level of payment sought.

18 (10) RELEASE OF RELATED CLAIMS.—Accept-
19 ance of payment under section 1703 by an individual
20 for a claim related to a compensable Guam decedent
21 or a compensable Guam victim shall be in full satis-
22 faction of all claims related to such decedent or vic-
23 tim, respectively, arising under the Guam Meri-
24 torious Claims Act of 1945 (Public Law 79-224),

1 the implementing regulations issued by the United
2 States Navy pursuant thereto, or this title.

3 **SEC. 1705. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
4 **PATION OF GUAM DURING WORLD WAR II.**

5 (a) ESTABLISHMENT.—Subject to section 1706(b)
6 and in accordance with this section, the Secretary of the
7 Interior shall establish a grants program under which the
8 Secretary shall award grants for research, educational,
9 and media activities that memorialize the events sur-
10 rounding the occupation of Guam during World War II,
11 honor the loyalty of the people of Guam during such occu-
12 pation, or both, for purposes of appropriately illuminating
13 and interpreting the causes and circumstances of such oc-
14 cupation and other similar occupations during a war.

15 (b) ELIGIBILITY.—The Secretary of the Interior may
16 not award to a person a grant under subsection (a) unless
17 such person submits an application to the Secretary for
18 such grant, in such time, manner, and form and con-
19 taining such information as the Secretary specifies.

20 **SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
22 ADJUDICATION.—For purposes of carrying out sections
23 1703 and 1704, there are authorized to be appropriated
24 \$100,000,000, to remain available for obligation until Sep-
25 tember 30, 2016, to the Foreign Claims Settlement Com-

1 mission. Not more than 5 percent of funds made available
2 under this subsection shall be used for administrative
3 costs.

4 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
5 purposes of carrying out section 1705, there are author-
6 ized to be appropriated \$5,000,000, to remain available
7 for obligation until September 30, 2016.

8 **DIVISION B—MILITARY CON-**
9 **STRUCTION AUTHORIZA-**
10 **TIONS**

11 **SEC. 2001. SHORT TITLE.**

12 This division may be cited as the “Military Construc-
13 tion Authorization Act for Fiscal Year 2011”.

14 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
15 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
16 **LAW.**

17 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
18 YEARS.—Except as provided in subsection (b), all author-
19 izations contained in titles XXI through XXVII and title
20 XXIX of this division for military construction projects,
21 land acquisition, family housing projects and facilities, and
22 contributions to the North Atlantic Treaty Organization
23 Security Investment Program (and authorizations of ap-
24 propriations therefor) shall expire on the later of—

25 (1) October 1, 2013; or

1 (2) the date of the enactment of an Act author-
2 izing funds for military construction for fiscal year
3 2014.

4 (b) EXCEPTION.—Subsection (a) shall not apply to
5 authorizations for military construction projects, land ac-
6 quisition, family housing projects and facilities, and con-
7 tributions to the North Atlantic Treaty Organization Se-
8 curity Investment Program (and authorizations of appro-
9 priations therefor), for which appropriated funds have
10 been obligated before the later of—

11 (1) October 1, 2013; or

12 (2) the date of the enactment of an Act author-
13 izing funds for fiscal year 2014 for military con-
14 struction projects, land acquisition, family housing
15 projects and facilities, and contributions to the
16 North Atlantic Treaty Organization Security Invest-
17 ment Program.

18 **SEC. 2003. FUNDING TABLES.**

19 (a) IN GENERAL.—The amounts authorized to be ap-
20 propriated by sections 2104, 2204, 2304, 2403, 2411,
21 2502, 2606, 2701, and 2703 shall be available in the
22 amounts specified in the funding table in section 3001.

23 (b) OVERSEAS CONTINGENCY OPERATIONS.—The
24 amounts authorized to be appropriated by sections 2901,

1 2902, and 2903 shall be available in the amounts specified
 2 in the funding table in section 3002.

3 **TITLE XXI—ARMY MILITARY**
 4 **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.

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

7 (a) **INSIDE THE UNITED STATES.**—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2104(1), the Secretary of the Army may
 10 acquire real property and carry out military construction
 11 projects for the installations or locations inside the United
 12 States, and in the amounts, set forth in the following
 13 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
	Presidio Monterey	\$140,000,000
California	Fort Carson	\$106,350,000
Colorado	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

Army: Inside the United States—Continued

State	Installation or Location	Amount
Kansas	Tripler Army Medical Center	\$28,000,000
	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
	Fort Jackson	\$91,000,000
Texas	Fort Bliss	\$149,950,000
Virginia	Fort Hood	\$145,050,000
	Fort Sam Houston	\$22,200,000
	Fort A.P. Hill	\$93,600,000
	Fort Eustis	\$18,000,000
	Fort Lee	\$18,400,000
Washington	Fort Lewis	\$171,800,000
	Yakima Firing Range	\$3,750,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing 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

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2104(5)(A), the Secretary of the
 5 Army may construct or acquire family housing units (in-
 6 cluding land acquisition and supporting facilities) at the
 7 installations or locations, in the number of units, and in
 8 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

9 (b) PLANNING AND DESIGN.—Using amounts appro-
 10 priated pursuant to the authorization of appropriations in
 11 section 2104(5)(A), the Secretary of the Army may carry
 12 out architectural and engineering services and construc-
 13 tion design activities with respect to the construction or
 14 improvement of family housing units in an amount not
 15 to exceed \$2,040,000.

16 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 17 **UNITS.**

18 Subject to section 2825 of title 10, United States
 19 Code, and using amounts appropriated pursuant to the
 20 authorization of appropriations in section 2104(5)(A), the
 21 Secretary of the Army may improve existing military fam-
 22 ily housing units in an amount not to exceed \$35,000,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 2010, for mili-
4 tary construction, land acquisition, and military family
5 housing functions of the Department of the Army in the
6 total amount of \$4,565,507,000, as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2101(a),
9 \$3,152,562,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2101(b),
12 \$419,300,000.

13 (3) For unspecified minor military construction
14 projects authorized by section 2805 of title 10,
15 United States Code, \$23,000,000.

16 (4) For host nation support and architectural
17 and engineering services and construction design
18 under section 2807 of title 10, United States Code,
19 \$249,636,000.

20 (5) For military family housing functions:

21 (A) For construction and acquisition, plan-
22 ning and design, and improvement of military
23 family housing and facilities, \$92,369,000.

24 (B) For support of military family housing
25 (including the functions described in section

1 2833 of title 10, United States Code),
2 \$518,140,000.

3 (6) For the construction of increment 4 of a
4 brigade complex operations support facility at
5 Vicenza, Italy, authorized by section 2101(b) of the
6 Military Construction Authorization Act for Fiscal
7 Year 2008 (division B of Public Law 110–181; 122
8 Stat. 505), \$25,000,000.

9 (7) For the construction of increment 4 of a
10 brigade complex barracks and community support
11 facility at Vicenza, Italy, authorized by section
12 2101(b) of the Military Construction Authorization
13 Act for Fiscal Year 2008 (division B of Public Law
14 110–181; 122 Stat. 505), \$26,000,000.

15 (8) For the construction of increment 2 of the
16 Command and Battle Center at Wiesbaden, Ger-
17 many, authorized by section 2101(b) of the Military
18 Construction Authorization Act for Fiscal Year 2009
19 (division B of Public Law 110–417; 122 Stat.
20 4662), \$59,500,000.

1 **SEC. 2105. USE OF UNOBLIGATED ARMY MILITARY CON-**
2 **STRUCTION FUNDS IN CONJUNCTION WITH**
3 **FUNDS PROVIDED BY THE COMMONWEALTH**
4 **OF VIRGINIA TO CARRY OUT CERTAIN FISCAL**
5 **YEAR 2002 PROJECT.**

6 (a) FIRE STATION AT FORT BELVOIR, VIRGINIA.—
7 Section 2836(d) of the Military Construction Authoriza-
8 tion Act for Fiscal Year 2002 (division B of Public Law
9 107–107; 115 Stat. 1314), as amended by section 2846
10 of the Military Construction Authorization Act for Fiscal
11 Year 2006 (division B of Public Law 109–163; 119 Stat.
12 3527) and section 2849 of the Military Construction Au-
13 thorization Act for Fiscal Year 2007 (division B of Public
14 Law 109–364; 120 Stat. 2486), is further amended—

15 (1) in paragraph (2), by inserting “through a
16 project for construction of an Army standard-design,
17 two-company fire station at Fort Belvoir, Virginia,”
18 after “Building 191”; and

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

21 “(3) The Secretary may use up to \$3,900,000 of
22 available, unobligated Army military construction funds
23 appropriated for a fiscal year before fiscal year 2011, in
24 conjunction with the funds provided under paragraph (1),
25 for the project described in paragraph (2).”.

1 (b) CONGRESSIONAL NOTIFICATION.—The Secretary
2 of the Army shall provide information, in accordance with
3 section 2851(c) of title 10, United States Code, regarding
4 the project described in the amendment made by sub-
5 section (a). If it becomes necessary to exceed the estimated
6 project cost of \$8,780,000, including \$4,880,000 contrib-
7 uted by the Commonwealth of Virginia, the Secretary shall
8 utilize the authority provided by section 2853 of such title
9 regarding authorized cost and scope of work variations.

10 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
11 **CERTAIN FISCAL YEAR 2009 PROJECT.**

12 The table in section 2101(b) of the Military Con-
13 struction Authorization Act for Fiscal Year 2009 (division
14 B of Public Law 110–417; 122 Stat. 4661) is amended
15 by striking “Katterbach” and inserting “Grafenwoehr”.

16 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **CERTAIN FISCAL YEAR 2010 PROJECT.**

18 In the case of the authorization contained in the table
19 in section 2101(a) of the Military Construction Authoriza-
20 tion Act for Fiscal Year 2010 (division B of Public Law
21 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for con-
22 struction of a Brigade Complex at the installation, the
23 Secretary of the Army may construct up to a 40,100
24 square-foot brigade headquarters consistent with the
25 Army’s construction guidelines for brigade headquarters.

1 **SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2008 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2008 (division B of Public Law 110–181; 122 Stat.
 6 503), authorizations set forth in the table in subsection
 7 (b), as provided in section 2101 of that Act (122 Stat.
 8 504), shall remain in effect until October 1, 2011, or the
 9 date of the enactment of an Act authorizing funds for mili-
 10 tary construction for fiscal year 2012, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 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

13 **TITLE XXII—NAVY MILITARY**
 14 **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.

1 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 2 **ACQUISITION PROJECTS.**

3 (a) **INSIDE THE UNITED STATES.**—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2204(1), the Secretary of the Navy may
 6 acquire real property and carry out military construction
 7 projects for the installations or locations inside the United
 8 States, and in the amounts, set forth in the following
 9 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

10 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2204(2), the Secretary of the Navy may
 13 acquire real property and carry out military construction
 14 projects for the installation or location outside the United

1 States, and in the amounts, set forth in the following
2 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

3 **SEC. 2202. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using
5 amounts appropriated pursuant to the authorization of ap-
6 propriations in section 2204(5)(A), the Secretary of the
7 Navy may construct or acquire family housing units (in-
8 cluding land acquisition and supporting facilities) at the
9 installations or locations, in the number of units, and in
10 the amounts set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Guantanamo Bay	71	\$37,169,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
12 priated pursuant to the authorization of appropriations in
13 section 2204(5)(A), the Secretary of the Navy may carry
14 out architectural and engineering services and construc-
15 tion design activities with respect to the construction or
16 improvement of family housing units in an amount not
17 to exceed \$3,255,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(5)(A), the
6 Secretary of the Navy may improve existing military fam-
7 ily housing units in an amount not to exceed
8 \$146,020,000.

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

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2010, for mili-
12 tary construction, land acquisition, and military family
13 housing functions of the Department of the Navy in the
14 total amount of \$4,068,963,000, as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2201(a),
17 \$2,865,001,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2201(b),
20 \$321,129,000.

21 (3) For unspecified minor military construction
22 projects authorized by section 2805 of title 10,
23 United States Code, \$20,877,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$120,050,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$186,444,000.

5 (B) For support of military family housing
6 (including functions described in section 2833
7 of title 10, United States Code), \$366,346,000.

8 (6) For the construction of increment 7 of a
9 limited area production and storage complex at Ban-
10 gor, Washington, authorized by section 2201(a) of
11 the Military Construction Authorization Act for Fis-
12 cal Year 2005 (division B of Public Law 108–375;
13 118 Stat. 2106), \$19,116,000.

14 (7) For the construction of increment 2 of a
15 ship repair pier replacement at Norfolk Naval Ship-
16 yard, Virginia, authorized by section 2201(a) of the
17 Military Construction Authorization Act for Fiscal
18 Year 2010 (division B of Public Law 111–84; 123
19 Stat. 2633), \$100,000,000.

20 (8) For the construction of increment 2 of a
21 wharves improvement at Apra Harbor, Guam, au-
22 thorized by section 2201(b) of the Military Con-
23 struction Authorization Act for Fiscal Year 2010
24 (division B of Public Law 111–84; 123 Stat. 2633),
25 \$40,000,000.

1 (9) For the construction of increment 2 of a
2 tertiary water treatment plant at Marine Corps Base
3 Camp Pendleton, California, authorized by section
4 2201(a) of the Military Construction Authorization
5 Act for Fiscal Year 2010 (division B of Public Law
6 111–84; 123 Stat. 2632), \$30,000,000.

7 **SEC. 2205. TECHNICAL AMENDMENT TO REFLECT MULTI-**
8 **INCREMENT FISCAL YEAR 2010 PROJECT.**

9 Section 2204 of the Military Construction Authoriza-
10 tion Act for Fiscal Year 2010 (division B of Public Law
11 111–84; 123 Stat. 2634) is amended—

12 (1) in subsection (a), by adding at the end the
13 following new paragraph:

14 “(14) For the construction of the first incre-
15 ment of a tertiary water treatment plant at Marine
16 Corps Base, Camp Pendleton, California, authorized
17 by section 2201(a), \$112,330,000.”; and

18 (2) in subsection (b), by adding at the end the
19 following new paragraph:

20 “(7) \$30,000,000 (the balance of the amount
21 authorized under section 2201(a) for North Region
22 Tertiary Treatment Plant, Camp Pendleton, Cali-
23 fornia).”.

1 **SEC. 2206. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2008 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2008 (division B of Public Law 110–181; 122 Stat.
 6 503), the authorization set forth in the table in subsection
 7 (b), as provided in section 2201(c) of that Act (122 Stat.
 8 511), shall remain in effect until October 1, 2011, or the
 9 date of the enactment of an Act authorizing funds for mili-
 10 tary construction for fiscal year 2012, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastruc- ture	\$2,700,000

13 **TITLE XXIII—AIR FORCE**
 14 **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.

15 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 16 **LAND ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts
 18 appropriated pursuant to the authorization of appropria-
 19 tions in section 2304(1), the Secretary of the Air Force

1 may acquire real property and carry out military construc-
 2 tion projects for the installations or locations inside the
 3 United States, and in the amounts, set forth in the fol-
 4 lowing 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

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2304(2), the Secretary of the Air Force
 8 may acquire real property and carry out military construc-
 9 tion projects for the installations or locations outside the
 10 United States, and in the amounts, set forth in the fol-
 11 lowing table:

1 tary construction, land acquisition, and military family
2 housing functions of the Department of the Air Force in
3 the total amount of \$1,885,112,000, as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2301(a),
6 \$901,845,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2301(b),
9 \$307,114,000.

10 (3) For unspecified minor military construction
11 projects authorized by section 2805 of title 10,
12 United States Code, \$18,000,000.

13 (4) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$66,336,000.

16 (5) For military family housing functions:

17 (A) For construction and acquisition, plan-
18 ning and design, and improvement of military
19 family housing and facilities, \$78,025,000.

20 (B) For support of military family housing
21 (including functions described in section 2833
22 of title 10, United States Code), \$513,792,000.

1 **SEC. 2305. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2007 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2007 (division B of Public Law 109–364; 120 Stat.
 6 2463), authorization set forth in the table in subsection
 7 (b), as provided in section 2302 of that Act (120 Stat.
 8 2455) and extended by section 2306 of the Military Con-
 9 struction Authorization Act for Fiscal Year 2010 (division
 10 B of Public Law 111–84; 123 Stat. 2638), shall remain
 11 in effect until October 1, 2011, or the date of the enact-
 12 ment of an Act authorizing funds for military construction
 13 for fiscal year 2012, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
 15 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

16 **TITLE XXIV—DEFENSE AGEN-**
 17 **CIES MILITARY CONSTRUC-**
 18 **TION**

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.

1 **Subtitle A—Defense Agency**
 2 **Authorizations**

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

5 (a) INSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropriations
 7 in section 2403(1), the Secretary of Defense may
 8 acquire real property and carry out military construction
 9 projects for the installations or locations inside the United
 10 States, and in the amounts, set forth in the following tables:
 11

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
	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

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing 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

8 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

9 (a) PROJECTS AUTHORIZED.—Using amounts appro-
10 priated pursuant to the authorization of appropriations in
11 section 2403(6), the Secretary of Defense may carry out
12 energy conservation projects under chapter 173 of title 10,
13 United States Code, in the amount of \$120,000,000.

1 (b) AVAILABILITY OF FUNDS FOR RESERVE COMPO-
2 NENT PROJECTS.—Of the amount authorized to be appro-
3 priated by section 2403(6) for energy conservation
4 projects, the Secretary of Defense shall reserve a portion
5 of the amount for energy conservation projects for the re-
6 serve components in an amount that is not less than an
7 amount that bears the same proportion to the total
8 amount authorized to be appropriated as the total quan-
9 tity of energy consumed by reserve facilities (as defined
10 in section 18232(2) of title 10, United States Code) dur-
11 ing fiscal year 2010 bears to the total quantity of energy
12 consumed by all military installations (as defined in sec-
13 tion 2687(e)(1) of such title) during that fiscal year, as
14 determined by the Secretary.

15 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
16 **FENSE AGENCIES.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2010, for mili-
19 tary construction, land acquisition, and military family
20 housing functions of the Department of Defense (other
21 than the military departments) in the total amount of
22 \$3,116,137,000, as follows:

23 (1) For military construction projects inside the
24 United States authorized by section 2401(a),
25 \$1,373,312,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2401(b),
3 \$382,419,000.

4 (3) For unspecified minor military construction
5 projects under section 2805 of title 10, United
6 States Code, \$42,856,000.

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

10 (5) For architectural and engineering services
11 and construction design under section 2807 of title
12 10, United States Code, \$431,617,000.

13 (6) For energy conservation projects under
14 chapter 173 of title 10, United States Code,
15 \$120,000,000.

16 (7) For military family housing functions:

17 (A) For support of military family housing
18 (including functions described in section 2833
19 of title 10, United States Code), \$50,464,000.

20 (B) For credits to the Department of De-
21 fense Family Housing Improvement Fund
22 under section 2883 of title 10, United States
23 Code, and the Homeowners Assistance Fund es-
24 tablished under section 1013 of the Demonstra-

1 tion Cities and Metropolitan Development Act
2 of 1966 (42 U.S.C. 3374), \$17,611,000.

3 (8) For the construction of increment 5 of the
4 Army Medical Research Institute of Infectious Dis-
5 eases Stage I at Fort Detrick, Maryland, authorized
6 by section 2401(a) of the Military Construction Au-
7 thorization Act for Fiscal Year 2007 (division B of
8 Public Law 109–364; 120 Stat. 2457), \$17,400,000.

9 (9) For the construction of increment 3 of re-
10 placement fuel storage facilities at Point Loma
11 Annex, California, authorized by section 2401(a) of
12 the Military Construction Authorization Act for Fis-
13 cal Year 2008 (division B of Public Law 110–181;
14 122 Stat. 521), as amended by section 2406 of the
15 Military Construction Authorization Act for Fiscal
16 Year 2010 (division B of Public Law 111–84; 123
17 Stat. 2646), \$20,000,000.

18 (10) For the construction of increment 3 of the
19 United States Army Medical Research Institute of
20 Chemical Defense replacement facility at Aberdeen
21 Proving Ground, Maryland, authorized by section
22 2401(a) of the Military Construction Authorization
23 Act for Fiscal Year 2009 (division B of Public Law
24 110–417; 122 Stat. 4689), \$105,000,000.

1 (11) For the construction of increment 3 of a
 2 National Security Agency data center at Camp Wil-
 3 liams, Utah, authorized as a Military Construction,
 4 Defense-Wide project by the Supplemental Appro-
 5 priations Act, 2009 (Public Law 111–32; 123 Stat.
 6 1888), \$398,358,000.

7 (12) For the construction of increment 2 of the
 8 hospital at Fort Bliss, Texas, authorized by section
 9 2401(a) of the Military Construction Authorization
 10 Act for Fiscal Year 2010 (division B of Public Law
 11 111–84; 123 Stat. 2642), \$147,100,000.

12 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
 13 **CERTAIN FISCAL YEAR 2010 PROJECTS.**

14 (a) AUTHORIZATION OF PROJECT FOR WHICH
 15 FUNDS HAVE BEEN APPROPRIATED.—

16 (1) AUTHORIZATION.—The table relating to the
 17 Missile Defense Agency in section 2401(a) of the
 18 Military Construction Authorization Act for Fiscal
 19 Year 2010 (division B of Public Law 111–84; 123
 20 Stat. 2641) is amended by adding at the end the fol-
 21 lowing:

Worldwide Unspecified	Range Facility	\$68,500,000
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22 (2) AUTHORIZATION OF APPROPRIATIONS.—
 23 Section 2404(a)(1) of that Act (123 Stat. 2644) is

1 amended by striking “\$1,048,783,000” and insert-
2 ing “\$1,117,283,000”.

3 (3) PROJECT DESCRIPTION.—In the case of the
4 authorization contained in the amendment made by
5 paragraph (1), the authorized project relates to an
6 Aegis ashore test facility for which funds were made
7 available by title I of the Military Construction and
8 Veterans Affairs and Related Agencies Appropria-
9 tions Act, 2010 (division E of Public Law 111–117;
10 123 Stat. 3286) under the heading “MILITARY CON-
11 STRUCTION, DEFENSE-WIDE”.

12 (b) PURPOSE OF FORT BRAGG PROJECT.—In the
13 case of the authorization contained in the table relating
14 to the TRICARE Management Activity in section 2401(a)
15 of the Military Construction Authorization Act of Fiscal
16 Year 2010 (division B of Public Law 111–84; 123 Stat.
17 2642) for Fort Bragg, North Carolina, for construction
18 of a Health Clinic at the installation, the Secretary of De-
19 fense may construct a Behavioral Health clinic that pre-
20 dominantly provides behavioral health specialty care.

1 **Subtitle B—Chemical**
2 **Demilitarization Authorizations**

3 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
4 **ICAL DEMILITARIZATION CONSTRUCTION,**
5 **DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2010, for mili-
8 tary construction and land acquisition for chemical demili-
9 tarization in the total amount of \$124,971,000, as follows:

10 (1) For the construction of phase 12 of a chem-
11 ical munitions demilitarization facility at Pueblo
12 Chemical Activity, Colorado, authorized by section
13 2401(a) of the Military Construction Authorization
14 Act for Fiscal Year 1997 (division B of Public Law
15 104–201; 110 Stat. 2775), as amended by section
16 2406 of the Military Construction Authorization Act
17 for Fiscal Year 2000 (division B of Public Law 106–
18 65; 113 Stat. 839), section 2407 of the Military
19 Construction Authorization Act for Fiscal Year 2003
20 (division B of Public Law 107–314; 116 Stat.
21 2698), and section 2413 of the Military Construc-
22 tion Authorization Act for Fiscal Year 2009 (divi-
23 sion B of Public Law 110–417; 122 Stat. 4697),
24 \$65,569,000.

1 (2) For the construction of phase 11 of a muni-
2 tions demilitarization facility at Blue Grass Army
3 Depot, Kentucky, authorized by section 2401(a) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 2000 (division B of Public Law 106–65;
6 113 Stat. 835), as amended by section 2405 of the
7 Military Construction Authorization Act for Fiscal
8 Year 2002 (division B of Public Law 107–107; 115
9 Stat. 1298), section 2405 of the Military Construc-
10 tion Authorization Act for Fiscal Year 2003 (divi-
11 sion B of Public Law 107–314; 116 Stat. 2698),
12 and section 2414 of the Military Construction Au-
13 thorization Act for Fiscal Year 2009 (division B of
14 Public Law 110–417; 122 Stat. 4697), and section
15 2412 of this Act, \$59,402,000.

16 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **CERTAIN FISCAL YEAR 2000 PROJECT.**

18 (a) MODIFICATION.—The table in section 2401(a) of
19 the Military Construction Authorization Act for Fiscal
20 Year 2000 (division B of Public Law 106–65; 113 Stat.
21 835), as amended by section 2405 of the Military Con-
22 struction Authorization Act for Fiscal Year 2002 (division
23 B of Public Law 107–107; 115 Stat. 1298), section 2405
24 of the Military Construction Authorization Act for Fiscal
25 Year 2003 (division B of Public Law 107–314; 116 Stat.

1 2698), and section 2414 of the Military Construction Au-
2 thorization Act for Fiscal Year 2009 (division B of Public
3 Law 110–417; 122 Stat. 4697), is amended—

4 (1) in the item relating to Blue Grass Army
5 Depot, Kentucky, by striking “\$492,000,000” in the
6 amount column and inserting “\$746,000,000”; and

7 (2) by striking the amount identified as the
8 total in the amount column and inserting
9 “\$1,203,920,000”.

10 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)
11 of the Military Construction Authorization Act for Fiscal
12 Year 2000 (division B of Public Law 106–65; 113 Stat.
13 839), as amended by section 2405 of the Military Con-
14 struction Authorization Act for Fiscal Year 2002 (division
15 B of Public Law 107–107; 115 Stat. 1298), section 2405
16 of the Military Construction Authorization Act for Fiscal
17 Year 2003 (division B of Public Law 107–314; 116 Stat.
18 2698), and section 2414 of the Military Construction Au-
19 thorization Act for Fiscal Year 2009 (division B of Public
20 Law 110–417; 122 Stat. 4697), is further amended by
21 striking “\$469,200,000” and inserting “\$723,200,000”.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

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

Sec. 2502. Authorization of appropriations, NATO.

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

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

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2010, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$258,884,000.

1 **TITLE XXVI—GUARD AND**
 2 **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.

3 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 4 **STRUCTION AND LAND ACQUISITION**
 5 **PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2606(1), the Secretary of the Army may
 9 acquire real property and carry out military construction
 10 projects for the Army National Guard locations inside the
 11 United States, and in the amounts, set forth in the fol-
 12 lowing 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
	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	Kalaheo	\$38,000,000
Idaho	Gowen Field	\$17,500,000
	Mountain Home	\$6,300,000
Illinois	Springfield	\$15,000,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606(1), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the Army National Guard locations outside
6 the United States, and in the amounts, set forth in the
7 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

8 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
9 **AND LAND ACQUISITION PROJECTS.**

10 Using amounts appropriated pursuant to the author-
11 ization of appropriations in section 2606(2), the Secretary

1 of the Army may acquire real property and carry out mili-
 2 tary construction projects for the Army Reserve locations
 3 inside the United States, and in the amounts, set forth
 4 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

5 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 6 **CORPS RESERVE CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 Using amounts appropriated pursuant to the author-
 9 ization of appropriations in section 2606(3), the Secretary
 10 of the Navy may acquire real property and carry out mili-
 11 tary construction projects for the Navy Reserve and Ma-
 12 rine Corps Reserve locations inside the United States, and
 13 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

Navy Reserve and Marine Corps Reserve—Continued

State	Location	Amount
Virginia	Williamsburg	\$21,346,000
Washington	Yakima	\$13,844,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2
3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606(4), the Secretary
5 of the Air Force may acquire real property and carry out
6 military construction projects for the Air National Guard
7 locations inside the United States, and in the amounts,
8 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
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 Sta- tion	\$4,100,000
Tennessee	Nashville International Airport	\$5,500,000
Texas	Ellington Field	\$7,000,000

9 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

10
11 Using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2606(5), the Secretary
13 of the Air Force may acquire real property and carry out

1 military construction projects for the Air Force Reserve
 2 location inside the United States, and in the amount, set
 3 forth in the following table:

Air Force Reserve

State	Location	Amount
Florida	Patrick Air Force Base	\$3,420,000

4 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 5 **TIONAL GUARD AND RESERVE.**

6 Funds are hereby authorized to be appropriated for
 7 fiscal years beginning after September 30, 2010, for the
 8 costs of acquisition, architectural and engineering services,
 9 and construction of facilities for the Guard and Reserve
 10 Forces, and for contributions therefor, under chapter
 11 1803 of title 10, United States Code (including the cost
 12 of acquisition of land for those facilities), in the following
 13 amounts:

14 (1) For the Department of the Army, for the
 15 Army National Guard of the United States,
 16 \$873,664,000.

17 (2) For the Department of the Army, for the
 18 Army Reserve, \$318,175,000.

19 (3) For the Department of the Navy, for the
 20 Navy and Marine Corps Reserve, \$61,557,000.

21 (4) For the Department of the Air Force, for
 22 the Air National Guard of the United States,
 23 \$194,986,000.

1 (5) For the Department of the Air Force, for
2 the Air Force Reserve, \$7,832,000.

3 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
4 **FISCAL YEAR 2008 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2008 (division B of Public Law 110–181; 122 Stat.
8 503), the authorization set forth in the tables in sub-
9 section (b), as provided in section 2601 and 2604 of that
10 Act, shall remain in effect until October 1, 2011, or the
11 date of the enactment of an Act authorizing funds for mili-
12 tary construction for fiscal year 2012, whichever is later.

13 (b) TABLE.—The tables referred to in subsection (a)
14 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

15 **TITLE XXVII—BASE REALIGN-**
16 **MENT AND CLOSURE ACTIVI-**
17 **TIES**

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.

1 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
3 **TIES FUNDED THROUGH DEPARTMENT OF**
4 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2010, for base
7 realignment and closure activities, including real property
8 acquisition and military construction projects, as author-
9 ized by the Defense Base Closure and Realignment Act
10 of 1990 (part A of title XXIX of Public Law 101-510;
11 10 U.S.C. 2687 note) and funded through the Department
12 of Defense Base Closure Account 1990 established by sec-
13 tion 2906 of such Act, in the total amount of
14 \$360,474,000, as follows:

15 (1) For the Department of the Army,
16 \$73,600,000.

17 (2) For the Department of the Navy,
18 \$162,000,000.

19 (3) For the Department of the Air Force,
20 \$124,874,000.

1 **SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLO-**
2 **SURE ACTIVITIES FUNDED THROUGH DE-**
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
4 **COUNT 2005.**

5 Using amounts appropriated pursuant to the author-
6 ization of appropriations in section 2703, the Secretary
7 of Defense may carry out base realignment and closure
8 activities, including real property acquisition and military
9 construction projects, as authorized by the Defense Base
10 Closure and Realignment Act of 1990 (part A of title
11 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
12 funded through the Department of Defense Base Closure
13 Account 2005 established by section 2906A of such Act,
14 in the amount of \$2,354,285,000.

15 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
16 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
17 **TIES FUNDED THROUGH DEPARTMENT OF**
18 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

19 Funds are hereby authorized to be appropriated for
20 fiscal years beginning after September 30, 2010, for base
21 realignment and closure activities, including real property
22 acquisition and military construction projects, as author-
23 ized by the Defense Base Closure and Realignment Act
24 of 1990 (part A of title XXIX of Public Law 101–510;
25 10 U.S.C. 2687 note) and funded through the Department
26 of Defense Base Closure Account 2005 established by sec-

1 tion 2906A of such Act, in the total amount of
2 \$2,354,285,000.

3 **SEC. 2704. TRANSPORTATION PLAN FOR BRAC 133 PROJECT**
4 **UNDER FORT BELVOIR, VIRGINIA, BRAC INI-**
5 **TIATIVE.**

6 (a) SUBMISSION OF TRANSPORTATION PLAN.—Not
7 later than 90 days after the date of the enactment of this
8 Act, the Secretary of the Army shall submit to the con-
9 gressional defense committees a transportation plan for
10 the BRAC 133 project.

11 (b) TRANSPORTATION PLAN CONDITIONS.—The
12 transportation plan for the BRAC 133 project must ad-
13 dress ingress and egress of all personnel to and from the
14 BRAC 133 project site. The transportation plan shall also
15 assess the costs and programming of short-, medium-, and
16 long-term projects, and the use of other methods of trans-
17 portation, that are necessary to maintain existing level of
18 service, and the proposed funding source to obtain such
19 levels of service, at the following six intersections

20 (1) The intersection of Beaugard Street and
21 Mark Center Drive.

22 (2) The intersection of Beaugard Street and
23 Seminary Road.

24 (3) The intersection of Seminary Road and
25 Mark Center Drive.

1 (4) The intersection of Seminary Road and the
2 northbound entrance-ramp to I-395.

3 (5) The intersection of Seminary Road and the
4 northbound exit-ramp from I-395.

5 (6) The intersection of Seminary Road and the
6 southbound exit-ramp from I-395.

7 (c) INSPECTOR GENERAL REPORT.—Not later than
8 September 15, 2011, the Inspector General of the Depart-
9 ment of Defense shall submit to the congressional defense
10 committees a report evaluating the sufficiency and coordi-
11 nation conducted in completing the requisite environ-
12 mental studies associated with the site selection of the
13 BRAC 133 project pursuant to the National Environ-
14 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The
15 Inspector General shall give specific attention to the trans-
16 portation determinations associated with the BRAC 133
17 project and review and provide comment on the transpor-
18 tation plan for the BRAC 133 project and the plan’s ad-
19 herence to the conditions imposed by subsection (b).

20 (d) DEFINITIONS.—In this section:

21 (1) The term “BRAC 133 project” refers to the
22 proposed office complex to be developed at an estab-
23 lished mixed-use business park in Alexandria, Vir-
24 ginia, to implement recommendation 133 of the De-
25 fense Base Closure and Realignment Commission

1 contained in the report of the Commission trans-
 2 mitted to Congress on September 15, 2005, under
 3 section 2903(e) of the Defense Base Closure and
 4 Realignment Act of 1990 (part A of title XXIX of
 5 Public Law 101–510; 10 U.S.C. 2687 note).

6 (2) The term “level of service” has the meaning
 7 given that term in the most-recent Highway Capac-
 8 ity Manual of the Transportation Research Board.

9 **TITLE XXVIII—MILITARY CON-**
 10 **STRUCTION GENERAL PROVI-**
 11 **SIONS**

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 con-
 struction 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 re-
 sponsibility.
 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 trans-
 actions.
 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 ac-
 tivities.
 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.

1 **Subtitle A—Military Construction**
 2 **Program and Military Family**
 3 **Housing Changes**

4 **SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION IN-**
 5 **FORMATION ON INTERNET.**

6 (a) MODIFICATION OF INFORMATION REQUIRED TO
 7 BE PROVIDED.—Paragraph (2) of subsection (c) of sec-
 8 tion 2851 of title 10, United States Code, is amended—
 9 (1) by striking subparagraph (F); and

1 (2) by redesignating subparagraphs (G) and
2 (H) as subparagraphs (F) and (G), respectively.

3 (b) EXPANDED AVAILABILITY OF INFORMATION.—

4 Such subsection is further amended—

5 (1) by striking paragraph (3); and

6 (2) by redesignating paragraph (4) as para-
7 graph (3).

8 (c) CONFORMING AMENDMENTS.—Such subsection is
9 further amended—

10 (1) in paragraph (1), by striking “that, when
11 activated by a person authorized under paragraph
12 (3), will permit the person” and inserting “that will
13 permit a person”; and

14 (2) in paragraph (3), as redesignated by sub-
15 section (b)(2)—

16 (A) by striking “to the persons referred to
17 in paragraph (3)” and inserting “on the Inter-
18 net site required by such paragraph”; and

19 (B) by striking “to such persons”.

20 **SEC. 2802. USE OF PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR CONSTRUCTION OR ALTERATION AT PENTAGON RESERVATION.**

24 Section 2674(e) of title 10, United States Code, is
25 amended—

1 (1) in paragraph (2), by striking “Monies” and
2 inserting “Subject to paragraphs (3) and (4), mon-
3 ies”; and

4 (2) by adding at the end the following new
5 paragraphs:

6 “(3) If the cost of a construction or alteration activity
7 proposed to be financed in whole or in part using monies
8 from the Fund will exceed the limitation specified in sec-
9 tion 2805 of this title for a comparable unspecified minor
10 military construction project, the activity shall be subject
11 to authorization as provided by section 2802 of this title
12 before monies from the Fund are obligated for the activity.

13 “(4) The authority of the Secretary to use monies
14 from the Fund to support construction or alteration activi-
15 ties at the Pentagon Reservation expires on September 30,
16 2012.”.

17 **SEC. 2803. REDUCED REPORTING TIME LIMITS FOR CER-**
18 **TAIN MILITARY CONSTRUCTION AND REAL**
19 **PROPERTY REPORTS WHEN SUBMITTED IN**
20 **ELECTRONIC MEDIA.**

21 (a) CONVEYANCE OF PROPERTY FOR NATURAL RE-
22 SOURCE CONSERVATION.—Section 2694a(e) of title 10
23 United States Code, is amended by inserting before the
24 period at the end the following: “or, if earlier, a period
25 of 14 days has elapsed from the date on which a copy

1 of the notification is provided in an electronic medium pur-
2 suant to section 480 of this title”.

3 (b) NATO SECURITY INVESTMENT CONTRIBU-
4 TIONS.—Section 2806(c)(2)(B) of such title is amended
5 by inserting before the period at the end the following:
6 “or, if earlier, a period of 14 days has elapsed from the
7 date on which a copy of the report is provided in an elec-
8 tronic medium pursuant to section 480 of this title”.

9 (c) FORD ISLAND DEVELOPMENT.—Section
10 2814(g)(2) of such title is amended by inserting before
11 the period at the end the following: “or, if earlier, a period
12 of 20 days has elapsed from the date on which a copy
13 of the notification is provided in an electronic medium pur-
14 suant to section 480 of this title”.

15 (d) LEASING OF MILITARY FAMILY HOUSING.—Sec-
16 tion 2828(f)(2) of such title is amended by inserting be-
17 fore the period at the end the following: “or, if earlier,
18 a period of 14 days has elapsed from the date on which
19 a copy of the notification is provided in an electronic me-
20 dium pursuant to section 480 of this title”.

21 (e) LEASING OF MILITARY FAMILY HOUSING TO BE
22 CONSTRUCTED.—Section 2835(g)(2) of such title is
23 amended—

24 (1) by striking “calendar”; and

1 (2) by inserting before the period at the end the
2 following: “or, if earlier, a period of 14 days has
3 elapsed from the date on which a copy of the anal-
4 ysis is provided in an electronic medium pursuant to
5 section 480 of this title”.

6 (f) ACQUISITION OR CONSTRUCTION OF MILITARY
7 UNACCOMPANIED HOUSING.—Section 2881a(e)(2) of such
8 title is amended by inserting before the period at the end
9 the following: “or, if earlier, a period of 20 days has
10 elapsed from the date on which a copy of the report is
11 provided in an electronic medium pursuant to section 480
12 of this title”.

13 (g) USE OF MILITARY CONSTRUCTION ALTERNATIVE
14 AUTHORITY.—Section 2884(a)(4) of such title is amended
15 by inserting before the period at the end the following:
16 “or, if earlier, a period of 20 days has elapsed from the
17 date on which a copy of the report is provided in an elec-
18 tronic medium pursuant to section 480 of this title”.

19 **SEC. 2804. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.**

23 (a) INCLUSION OF AREA FORMERLY WITHIN UNITED
24 STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.—Subsection (a) of section 2808 of the Military
25

1 Construction Authorization Act for Fiscal Year 2004 (di-
2 vision B of Public Law 108–136; 117 Stat. 1723), as
3 amended by subsections (a) and (b) of section 2806 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2010 (division B of Public Law 111–84; 123 Stat.
6 2662), is amended by striking “United States Central
7 Command area of responsibility” and inserting “area of
8 responsibility of the United States Central Command or
9 the area of responsibility and area of interest of Combined
10 Task Force-Horn of Africa”.

11 (b) ANNUAL LIMITATION ON USE OF AUTHORITY IN
12 AFGHANISTAN.—Subsection (c)(2) of section 2808 of the
13 Military Construction Authorization Act for Fiscal Year
14 2004 (division B of Public Law 108–136; 117 Stat. 1723),
15 as amended by section 2806(c) of the Military Construc-
16 tion Authorization Act for Fiscal Year 2010 (division B
17 of Public Law 111–84; 123 Stat. 2663), is amended—

18 (1) by striking “\$300,000,000 in funds avail-
19 able for operation and maintenance for fiscal year
20 2010 may be used in Afghanistan upon completing
21 the prenotification requirements under subsection
22 (b)” and inserting “\$100,000,000 in funds available
23 for operation and maintenance for fiscal year 2011
24 may be used in Afghanistan subject to the notifica-
25 tion requirements under subsection (b)”;

1 (2) by striking “\$500,000,000” and inserting
2 “\$300,000,000”.

3 (c) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
4 section (h) of section 2808 of the Military Construction
5 Authorization Act for Fiscal Year 2004 (division B of
6 Public Law 108–136; 117 Stat. 1723), as added by sec-
7 tion 2806(a) of the Military Construction Authorization
8 Act for Fiscal Year 2010 (division B of Public Law 111–
9 84; 123 Stat. 2662), is amended—

10 (1) in paragraph (1), by striking “September
11 30, 2010” and inserting “September 30, 2011”; and

12 (2) in paragraph (2), by striking “fiscal year
13 2011” and inserting “fiscal year 2012”.

14 (d) DEFINITION.—Section 2808 of the Military Con-
15 struction Authorization Act for Fiscal Year 2004 (division
16 B of Public Law 108–136; 117 Stat. 1723) is amended
17 by adding at the end the following new subsection:

18 “(i) DEFINITIONS.—In this section:

19 “(1) The term ‘area of responsibility’, with re-
20 spect to the Combined Task Force-Horn of Africa,
21 is Kenya, Somalia, Ethiopia, Sudan, Eritrea,
22 Djibouti, and Seychelles.

23 “(2) The term ‘area of interest’, with respect to
24 the Combined Task Force-Horn of Africa, is Yemen,
25 Tanzania, Mauritius, Madagascar, Mozambique, Bu-

1 rundi, Rwanda, Comoros, Chad, the Democratic Re-
2 public of Congo, and Uganda.”.

3 **SEC. 2805. SENSE OF CONGRESS AND REPORT REGARDING**
4 **EMPLOYMENT OF VETERANS TO WORK ON**
5 **MILITARY CONSTRUCTION PROJECTS.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Secretary of Defense should establish a Vet-
8 erans to Work program to provide an opportunity for ap-
9 prentices, who are also veterans, to work on military con-
10 struction projects.

11 (b) REPORT.—

12 (1) REPORT REQUIRED.—Not later than 180
13 days after enactment of this Act, the Secretary of
14 Defense shall submit to the congressional defense
15 committees a report that includes at a minimum the
16 following:

17 (A) An assessment of the number of unem-
18 ployed apprentices, who are also veterans, with
19 data presented by appropriate age groupings.

20 (B) An evaluation of benefits to be derived
21 from establishing a program to employ appren-
22 tices, who are also veterans, in military con-
23 struction projects, including the impacts of the
24 program on the following:

25 (i) Workforce sustainability.

1 (ii) Workforce skills enhancement.

2 (iii) Short- and long-term cost-effec-
3 tiveness.

4 (iv) Improved veteran employment in
5 sustainable wage fields.

6 (C) Any challenges, difficulties, or prob-
7 lems projected in recruiting apprentices, who
8 are also veterans.

9 (2) CONSULTATION.—The Secretary of Defense
10 shall prepare the report in consultation with the Sec-
11 retary of Labor and the Secretary of Veterans Af-
12 fairs.

13 (c) DEFINITIONS.—In this section:

14 (1) The term “apprentice” means an individual
15 who is employed pursuant to, and individually reg-
16 istered in, a qualified apprenticeship program.

17 (2) The term “qualified apprenticeship pro-
18 gram” means an apprenticeship or other training
19 program that qualifies as an employee welfare ben-
20 efit plan, as defined in section 3(1) of the Employee
21 Retirement Income Security Act of 1974 (29 U.S.C.
22 1002(1)).

23 (3) The term “veteran” has the meaning given
24 such term in section 101(2) of title 38, United
25 States Code.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE**
4 **TO REAL PROPERTY TRANSACTIONS.**

5 (a) EXCEPTION FOR LEASES UNDER BASE CLOSURE
6 PROCESS.—Subsection (a)(1)(C) of section 2662 of title
7 10, United States Code, is amended by inserting after
8 “United States” the following: “(other than a lease or li-
9 cense entered into under section 2667(g) of this title)”.

10 (b) REPEAL OF ANNUAL REPORT ON MINOR REAL
11 ESTATE TRANSACTIONS.—Subsection (b) of such section
12 is repealed.

13 (c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Sub-
14 section (c) of such section is amended—

15 (1) by striking “GEOGRAPHIC SCOPE; EX-
16 CEPTED” and inserting “EXCEPTED”;

17 (2) by striking the first sentence; and

18 (3) by striking “It does not” and inserting
19 “‘This section does not’”.

20 (d) REPEAL OF NOTICE AND WAIT REQUIREMENT
21 REGARDING GSA LEASES OF SPACE FOR DOD.—Sub-
22 section (e) of such section is repealed.

23 (e) ADDITIONAL REPORTING REQUIREMENTS RE-
24 GARDING LEASES OF REAL PROPERTY OWNED BY THE

1 UNITED STATES.—Such section is further amended by in-
2 serting after subsection (a) the following new subsection:

3 “(b) ADDITIONAL REPORTING REQUIREMENTS RE-
4 GARDING LEASES OF REAL PROPERTY OWNED BY THE
5 UNITED STATES.—(1) In the case of a proposed lease or
6 license of real property owned by the United States cov-
7 ered by paragraph (1)(C) of subsection (a), the Secretary
8 concerned shall comply with the notice-and-wait require-
9 ments of paragraph (3) of such subsection before—

10 “(A) issuing a contract solicitation or other
11 lease offering with regard to the transaction; and

12 “(B) providing public notice regarding any
13 meeting to discuss a proposed contract solicitation
14 with regard to the transaction.

15 “(2) The report under paragraph (3) of subsection
16 (a) shall include the following with regard to a proposed
17 transaction covered by paragraph (1)(C) of such sub-
18 section:

19 “(A) A description of the proposed transaction,
20 including the proposed duration of the lease or li-
21 cense.

22 “(B) A description of the authorities to be used
23 in entering into the transaction.

1 “(C) A statement of the scored cost of the en-
2 tire transaction, determined using the scoring cri-
3 teria of the Office of Management and Budget.

4 “(D) A determination that the property in-
5 volved in the transaction is not excess property, as
6 required by section 2667(a)(3) of this title, including
7 the basis for the determination.

8 “(E) A determination that the proposed trans-
9 action is directly compatible with the mission of the
10 military installation or Defense Agency at which the
11 property is located and a description of the antici-
12 pated long-term use of the property at the conclu-
13 sion of the lease or license.

14 “(F) A description of the requirements or con-
15 ditions within the contract solicitation or other lease
16 offering for the person making the offer to address
17 taxation issues, including payments-in-lieu-of taxes,
18 and other development issues related to local munici-
19 palities.

20 “(G) If the proposed lease involves a project re-
21 lated to energy production, a certification by the
22 Secretary of Defense that the project, as it will be
23 specified in the contract solicitation or other lease
24 offering, is consistent with the Department of De-

1 fense performance goals and plan required by sec-
2 tion 2911 of this title.

3 “(3) The Secretary concerned may not enter into the
4 actual lease or license with respect to property for which
5 the information required by paragraph (2) was submitted
6 in a report under subsection (a)(3) unless the Secretary
7 again complies with the notice-and-wait requirements of
8 such subsection. The subsequent report shall include the
9 following with regard to the proposed transaction:

10 “(A) A cross reference to the prior report that
11 contained the information submitted under para-
12 graph (2) with respect to the transaction.

13 “(B) A description of the differences between
14 the information submitted under paragraph (2) and
15 the information regarding the transaction being sub-
16 mitted in the subsequent report.

17 “(C) A description of the payment to be re-
18 quired in connection with the lease or license, includ-
19 ing a description of any in-kind consideration that
20 will be accepted.

21 “(D) A description of any community support
22 facility or provision of community support services
23 under the lease or license, regardless of whether the
24 facility will be operated by a covered entity (as de-
25 fined in section 2667(d) of this title) or the lessee

1 or the services will be provided by a covered entity
2 or the lessee.

3 “(E) A description of the competitive proce-
4 dures used to select the lessee or, in the case of a
5 lease involving the public benefit exception author-
6 ized by section 2667(h)(2) of this title, a description
7 of the public benefit to be served by the lease.”.

8 (f) CONFORMING AMENDMENTS.—Such section is
9 further amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking “the Sec-
12 retary submits” in the matter preceding sub-
13 paragraph (A) and inserting “the Secretary
14 concerned submits”; and

15 (B) in paragraph (3), by striking “the Sec-
16 retary of a military department or the Sec-
17 retary of Defense” and inserting “the Secretary
18 concerned”;

19 (2) by redesignating subsections (f) and (g) as
20 subsections (e) and (f), respectively;

21 (3) in subsection (f), as so redesignated—

22 (A) in paragraph (1), by striking “, and
23 the reporting requirement set forth in sub-
24 section (e) shall not apply with respect to a real

1 property transaction otherwise covered by that
2 subsection,”;

3 (B) in paragraph (3), by striking “or (e),
4 as the case may be”; and

5 (C) by striking paragraph (4); and

6 (4) by adding at the end the following new sub-
7 section:

8 “(g) SECRETARY CONCERNED DEFINED.—In this
9 section, the term ‘Secretary concerned’ includes, with re-
10 spect to Defense Agencies, the Secretary of Defense.”.

11 (g) CONFORMING AMENDMENTS TO LEASE OF NON-
12 EXCESS PROPERTY AUTHORITY.—Section 2667 of such
13 title is amended—

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

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

16 (3) in subsection (e)(1), by striking subpara-
17 graph (E); and

18 (4) in subsection (h)—

19 (A) by striking paragraphs (3) and (5);

20 and

21 (B) by redesignating paragraph (4) as
22 paragraph (3).

1 **SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM**
2 **LEASES OF NON-EXCESS PROPERTY INVOLV-**
3 **ING MILITARY MUSEUMS.**

4 Section 2667(e)(1) of title 10, United States Code,
5 as amended by section 2811(g), is amended by inserting
6 after subparagraph (D) the following new subparagraph
7 (E):

8 “(E) If the proceeds deposited in the special account
9 established for the Secretary concerned are derived from
10 activities associated with a military museum described in
11 section 489(a) of this title, the proceeds shall be available
12 for activities described in subparagraph (C) only at that
13 museum.”.

14 **SEC. 2813. LIMITATION ON ENHANCED USE LEASES OF**
15 **NON-EXCESS PROPERTY.**

16 (a) **IN GENERAL.**—Section 2667(b)(7) of title 10,
17 United States Code, is amended by striking the period at
18 the end and inserting “, or otherwise commit the Secretary
19 concerned or the Department of Defense to annual pay-
20 ments in excess of such amount.”.

21 (b) **ARMED FORCES RETIREMENT HOME.**—Section
22 1511(i)(2) of the Armed Forces Retirement Home Act of
23 1991 (24 U.S.C. 411(i)(2)) is amended—

24 (1) in subparagraph (D), by striking “; and”
25 and inserting a semicolon;

1 (2) in subparagraph (E), by striking the period
2 at the end and inserting “; and”; and

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

5 “(F) may not provide for a leaseback by the
6 Retirement Home with an annual payment in excess
7 of \$100,000, or otherwise commit the Retirement
8 Home or the Department of Defense to annual pay-
9 ments in excess of such amount.”.

10 **SEC. 2814. REPEAL OF EXPIRED AUTHORITY TO LEASE**
11 **LAND FOR SPECIAL OPERATIONS ACTIVITIES.**

12 (a) **REPEAL.**—Section 2680 of title 10, United States
13 Code, is repealed.

14 (b) **EFFECT OF REPEAL.**—The amendment made by
15 subsection (a) shall not affect the validity of any contract
16 entered into under section 2680 of title 10, United States
17 Code, on or before September 30, 2005.

18 (c) **CLERICAL AMENDMENT.**—The table of sections
19 at the beginning of chapter 159 of such title is amended
20 by striking the item relating to section 2680.

21 **SEC. 2815. FORMER NAVAL BOMBARDMENT AREA,**
22 **CULEBRA ISLAND, PUERTO RICO.**

23 (a) **STUDY REQUIRED.**—At the request of the Com-
24 monwealth of Puerto Rico, the Secretary of Defense shall
25 conduct a study relating to the presence of unexploded

1 ordnance in a portion of the former bombardment area
2 at Culebra Island, Puerto Rico, transferred to the Com-
3 monwealth of Puerto Rico by quitclaim deed. The Sec-
4 retary shall complete the study within 270 days after re-
5 ceiving the request from the Commonwealth.

6 (b) CONTENTS OF STUDY.—The study shall include
7 a specific assessment of Flamenco Beach located within
8 the former bombardment area and shall include the fol-
9 lowing elements for each area:

10 (1) An estimate of the type and amount of
11 unexploded ordnance.

12 (2) An estimate of the cost of removing
13 unexploded ordnance.

14 (3) An examination of the impact of such re-
15 moval on any endangered or threatened species and
16 their habitat.

17 (4) An examination of current public access to
18 the former bombardment area.

19 (5) An examination of any threats to public
20 health or safety and the environment from
21 unexploded ordnance.

22 (c) CONSULTATION WITH COMMONWEALTH.—In
23 conducting the study, the Secretary of Defense shall con-
24 sult with the Commonwealth of Puerto Rico regarding the
25 Commonwealth's planned future uses of the former bom-

1 bardment area. The Secretary shall consider the Common-
2 wealth’s planned future uses in developing any conclusions
3 or recommendations the Secretary may include in the
4 study.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “quitclaim deed” refers to the
7 quitclaim deed from the United States to the Com-
8 monwealth of Puerto Rico, signed by the Secretary
9 of the Interior on August 11, 1982, for that portion
10 of Tract (1b) consisting of the former bombardment
11 area on the island of Culebra, Puerto Rico.

12 (2) The term “unexploded ordnance” has the
13 meaning given that term by section 101(e)(5) of title
14 10, United States Code.

15 **Subtitle C—Provisions Related to** 16 **Guam Realignment**

17 **SEC. 2821. EXTENSION OF TERM OF DEPUTY SECRETARY** 18 **OF DEFENSE’S LEADERSHIP OF GUAM OVER-** 19 **SIGHT COUNCIL.**

20 Subsection (d) of section 132 of title 10, United
21 States Code, as added by section 2831(a) of the Military
22 Construction Authorization Act for Fiscal Year 2010 (di-
23 vision B of Public Law 111–84; 123 Stat. 2669), is
24 amended by striking “September 30, 2015” and inserting
25 “September 30, 2020”.

1 **SEC. 2822. UTILITY CONVEYANCES TO SUPPORT INTE-**
2 **GRATED WATER AND WASTEWATER TREAT-**
3 **MENT SYSTEM ON GUAM.**

4 (a) CONVEYANCE OF UTILITIES.—The Secretary of
5 Defense may convey to the Guam Waterworks Authority
6 (in this section referred to as the “Authority”) all right,
7 title, and interest of the United States in and to the water
8 and wastewater treatment utility systems on Guam, in-
9 cluding the Fena Reservoir, for the purpose of establishing
10 an integrated water and wastewater treatment system on
11 Guam.

12 (b) CONSIDERATION.—

13 (1) CONSIDERATION REQUIRED.—As consider-
14 ation for the conveyance of the water and waste-
15 water treatment utility systems on Guam, the Au-
16 thority shall pay to the Secretary of Defense an
17 amount equal to the fair market value of the utility
18 infrastructure to be conveyed, as determined pursu-
19 ant to an agreement between the Secretary and the
20 Authority.

21 (2) DEFERRED PAYMENTS.—At the discretion
22 of the Authority, the Authority may elect to pay the
23 consideration determined under paragraph (1) in
24 equal annual payments over a period of not more
25 than 25 years, starting with the first year beginning
26 after the date of the conveyance of the water and

1 wastewater treatment utility systems to the Author-
2 ity.

3 (3) ACCEPTANCE OF IN-KIND SERVICES.—The
4 consideration required by paragraph (1) may be paid
5 in cash or in-kind, as acceptable to the Secretary of
6 Defense. The Secretary of Defense, in consultation
7 with the Secretary of the Interior, shall consider the
8 value of in-kind services provided by the Government
9 of Guam pursuant to section 311 of the Compact of
10 Free Association between the Government of the
11 United States and the Government of the Federated
12 States of Micronesia, approved by Congress in the
13 Compact of Free Association Amendments Act of
14 2003 (Public Law 108–188; 117 Stat. 2781), sec-
15 tion 311 of the Compact of Free Association be-
16 tween the Government of the United States and the
17 Government of the Republic of the Marshall Islands,
18 approved by Congress in such Act, and the Compact
19 of Free Association between the Government of the
20 United States and the Government of the Republic
21 of Palau, approved by Congress in the Palau Com-
22 pact of Free Association Act (Public Law 99–658;
23 100 Stat. 3672).

24 (c) CONDITION OF CONVEYANCE.—As a condition of
25 the conveyance under subsection (a), the Secretary of De-

1 fense must obtain at least a 33 percent voting representa-
2 tion on the Guam Consolidated Commission on Utilities,
3 including a proportional representation as chairperson of
4 the Commission.

5 (d) IMPLEMENTATION REPORT.—

6 (1) REPORT REQUIRED.—If the Secretary of
7 Defense determines to use the authority provided by
8 subsection (a) to convey the water and wastewater
9 treatment utility systems to the Authority, the Sec-
10 retary shall submit to the congressional defense com-
11 mittees a report containing—

12 (A) a description of the actions needed to
13 efficiently convey the water and wastewater
14 treatment utility systems to the Authority; and

15 (B) an estimate of the cost of the convey-
16 ance.

17 (2) SUBMISSION.—The Secretary shall submit
18 the report not later than 30 days after the date on
19 which the Secretary makes the determination trig-
20 gering the report requirement.

21 (e) NEW WATER SYSTEMS.—If the Secretary of De-
22 fense determines to use the authority provided by sub-
23 section (a) to convey the water and wastewater treatment
24 utility systems to the Authority, the Secretary shall also
25 enter into an agreement with the Authority, under which

1 the Authority will manage and operate any water well or
2 wastewater treatment plant that is constructed by the Sec-
3 retary of a military department on Guam on or after the
4 date of the enactment of this Act.

5 (f) ADDITIONAL TERM AND CONDITIONS.—The Sec-
6 retary of Defense may require such additional terms and
7 conditions in connection with the conveyance under this
8 section as the Secretary considers appropriate to protect
9 the interests of the United States.

10 (g) TECHNICAL ASSISTANCE.—

11 (1) ASSISTANCE AUTHORIZED; REIMBURSE-
12 MENT.—The Secretary of the Interior, acting
13 through the Commissioner of the Bureau of Rec-
14 lamation, may provide technical assistance to the
15 Secretary of Defense and the Authority regarding
16 the development of plans for the design, construc-
17 tion, operation, and maintenance of integrated water
18 and wastewater treatment utility systems on Guam.

19 (2) CONTRACTING AUTHORITY; CONDITION.—
20 The Secretary of the Interior, acting through the
21 Commissioner of the Bureau of Reclamation, may
22 enter into memoranda of understanding, cooperative
23 agreements, and other agreements with the Sec-
24 retary of Defense to provide technical assistance as
25 described in paragraph (1) under such terms and

1 conditions as the Secretary of the Interior and the
2 Secretary of Defense consider appropriate, except
3 that costs incurred by the Secretary of the Interior
4 to provide technical assistance under paragraph (1)
5 shall be covered by the Secretary of Defense.

6 (3) REPORT AND OTHER ASSISTANCE.—Not
7 later than one year after date of the enactment of
8 this Act, the Secretary of the Interior and the Sec-
9 retary of Defense shall submit to the congressional
10 defense committees, the Committee on Natural Re-
11 sources of the House of Representatives, and the
12 Committee on Energy and Natural Resources of the
13 Senate a report detailing the following:

14 (A) Any technical assistance provided
15 under paragraph (1) and information pertaining
16 to any memoranda of understanding, coopera-
17 tive agreements, and other agreements entered
18 into pursuant to paragraph (2).

19 (B) An assessment of water and waste-
20 water systems on Guam, including cost esti-
21 mates and budget authority, including authori-
22 ties available under the Acts of June 17, 1902,
23 and June 12, 1906 (popularly known as the
24 Reclamation Act; 43 U.S.C. 391) and other au-
25 thority available to the Secretary of the Inte-

1 rior, for financing the design, construction, op-
2 eration, and maintenance of such systems.

3 (C) The needs related to water and waste-
4 water infrastructure on Guam and the protec-
5 tion of water resources on Guam identified by
6 the Authority.

7 **SEC. 2823. REPORT ON TYPES OF FACILITIES REQUIRED TO**
8 **SUPPORT GUAM REALIGNMENT.**

9 (a) **REPORT REQUIRED.**—Not later than 180 days
10 after the date of the enactment of the Act, the Secretary
11 of Defense shall submit to the congressional defense com-
12 mittees a report on the structural integrity of facilities re-
13 quired to support the realignment of military installations
14 and the relocation of military personnel on Guam.

15 (b) **CONTENTS OF REPORT.**—The report required by
16 subsection (a) shall contain the following elements:

17 (1) A threat assessment to the realigned forces,
18 including natural and manmade threats.

19 (2) An evaluation of the types of facilities and
20 the enhanced structural requirements required to
21 deter the threat assessment specified in paragraph
22 (1).

23 (3) An assessment of the costs associated with
24 the enhanced structural requirements specified in
25 paragraph (2).

1 **SEC. 2824. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS**
2 **FOR GUAM.**

3 (a) REPORT REQUIRED.—The Secretary of the Inte-
4 rior shall prepare a report—

5 (1) detailing the civilian infrastructure improve-
6 ments needed on Guam to directly and indirectly
7 support and sustain the realignment of military in-
8 stallations and the relocation of military personnel
9 on Guam; and

10 (2) identifying, to the maximum extent prac-
11 tical, the potential funding sources for such improve-
12 ments from other Federal departments and agencies
13 and from existing authorities and funds within the
14 Department of Defense.

15 (b) CONSULTATION.—The Secretary of the Interior
16 shall prepare the report required by subsection (a) in con-
17 sultation with the Secretary of Defense, the Government
18 of Guam, and the Interagency Group on the Insular Areas
19 established by Executive Order No. 13537.

20 (c) SUBMISSION.—The Secretary of the Interior shall
21 submit the report required by subsection (a) to the con-
22 gressional defense committees and the Committee on Nat-
23 ural Resources of the House of Representatives, and the
24 Committee on Energy and Natural Resources of the Sen-
25 ate not later than 180 days after the date of the enact-
26 ment of this Act.

1 **Subtitle D—Energy Security**

2 **SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUS-** 3 **TAINABLE PRACTICES IN DEPARTMENT EN-** 4 **ERGY PERFORMANCE PLAN.**

5 Section 2911(c) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (4), by inserting “and hybrid-
8 electric drive” after “alternative fuels”;

9 (2) by redesignating paragraph (9) as para-
10 graph (11);

11 (3) by redesignating paragraphs (5) through
12 (8) as paragraphs (6) through (9), respectively;

13 (4) by inserting after paragraph (4) the fol-
14 lowing new paragraph:

15 “(5) Opportunities for the high-performance
16 construction, lease, operation, and maintenance of
17 buildings.”; and

18 (5) by inserting after paragraph (9) (as redesign-
19 ated by paragraph (3)) the following new para-
20 graph:

21 “(10) The value of incorporating electric, hy-
22 brid-electric, and high efficiency vehicles into vehicle
23 fleets.”.

1 **SEC. 2832. ENHANCEMENT OF ENERGY SECURITY ACTIVI-**
2 **TIES OF THE DEPARTMENT OF DEFENSE.**

3 (a) ENERGY PERFORMANCE MASTER PLAN.—

4 (1) ENHANCEMENT OF ENERGY PERFORMANCE
5 PLAN TO MASTER PLAN.—Subsection (b) of section
6 2911 of title 10, United States Code, is amended to
7 read as follows:

8 “(b) ENERGY PERFORMANCE MASTER PLAN.—(1)
9 The Secretary of Defense shall develop a comprehensive
10 master plan for the achievement of the energy perform-
11 ance goals of the Department of Defense, as set forth in
12 laws, executive orders, and Department of Defense poli-
13 cies.

14 “(2) The master plan shall include the following:

15 “(A) A separate master plan, developed by each
16 military department and Defense Agency, for the
17 achievement of energy performance goals.

18 “(B) The use of a baseline standard for the
19 measurement of energy consumption by transpor-
20 tation systems, support systems, utilities, and facili-
21 ties and infrastructure that is consistent for all of
22 the military departments.

23 “(C) A method of measurement of reductions or
24 conservation in energy consumption that provides for
25 the taking into account of changes in the current

1 size of fleets, number of facilities, and overall square
2 footage of facility plants.

3 “(D) Metrics to track annual progress in meet-
4 ing energy performance goals.

5 “(E) A description of specific requirements, and
6 proposed investments, in connection with the
7 achievement of energy performance goals reflected in
8 the budget of the President for each fiscal year (as
9 submitted to Congress under section 1105(a) of title
10 31).

11 “(3) Not later than 30 days after the date on which
12 the budget of the President is submitted to Congress for
13 a fiscal year under section 1105(a) of title 31, the Sec-
14 retary shall submit the current version of the master plan
15 to Congress.”.

16 (2) CONFORMING AMENDMENTS.—Such section
17 is further amended by striking “plan” each place it
18 appears and inserting “master plan”.

19 (3) SECTION HEADING AMENDMENT.—The
20 heading of such section is amended to read as fol-
21 lows:

1 **“§ 2911. Energy performance goals and master plan**
2 **for the Department of Defense”.**

3 (b) EXPANSION OF FACILITIES FOR WHICH USE OF
4 RENEWABLE ENERGY AND ENERGY EFFICIENT PROD-
5 UCTS IS REQUIRED.—

6 (1) RENEWABLE ENERGY.—Subsection (a) of
7 section 2915 of title 10, United States Code, is
8 amended—

9 (A) by inserting “and facility repairs and
10 renovations” after “military family housing
11 projects”); and

12 (B) by striking “energy performance plan”
13 and inserting “energy performance master
14 plan”.

15 (2) CONSIDERATION IN DESIGN.—Subsection
16 (b)(1) of such section is amended by striking “the
17 design” and all that follows and inserting the fol-
18 lowing: “the design for the construction, repair, or
19 renovation of facilities (including family housing and
20 back-up power generation facilities) requires consid-
21 eration of energy systems using solar energy or
22 other renewable forms of energy when use of a re-
23 newable form of energy—

24 “(A) is consistent with the energy perform-
25 ance goals and energy performance master plan

1 for the Department of Defense developed under
2 section 2911 of this title; and

3 “(B) supported by the special consider-
4 ations specified in subsection (c) of such sec-
5 tion.”.

6 (3) ENERGY EFFICIENT PRODUCTS.—Sub-
7 section (e) of such section is amended—

8 (A) by striking the heading and inserting
9 the following: “USE OF ENERGY EFFICIENT
10 PRODUCTS IN FACILITIES.—”;

11 (B) in paragraph (1)—

12 (i) by striking “new facility construc-
13 tion” and inserting “construction, repair,
14 or renovation of facilities”; and

15 (ii) by striking “energy performance
16 plan” and inserting “energy performance
17 master plan”;

18 (C) by redesignating paragraph (2) as
19 paragraph (3); and

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

22 “(2) For purposes of this subsection, energy efficient
23 products may include, at a minimum, the following tech-
24 nologies, consistent with the products specified in para-
25 graph (3):

1 “(A) Roof-top solar thermal, photovoltaic, and
2 energy reducing coating technologies.

3 “(B) Energy management control and super-
4 visory control and data acquisition systems.

5 “(C) Energy efficient heating, ventilation, and
6 air conditioning systems.

7 “(D) Thermal windows and insulation systems.

8 “(E) Electric meters.

9 “(F) Lighting, equipment, and appliances that
10 are designed to use less electricity.

11 “(G) Hybrid vehicle plug-in charging stations.

12 “(H) Solar-power collecting structures to shade
13 vehicle parking areas.

14 “(I) Wall and roof insulation systems and air
15 infiltration-mitigation systems, such as weather-
16 proofing.”.

17 (4) SECTION HEADING AMENDMENT.—The
18 heading of such section is amended to read as fol-
19 lows:

20 **“§ 2915. Facilities: use of renewable forms of energy**
21 **and energy efficient products”.**

22 (c) OTHER AMENDMENTS.—

23 (1) CONFORMING AMENDMENT.—Section
24 2925(a) of title 10, United States Code, is amended
25 by striking “energy performance plan” each place it

1 appears and inserting “energy performance master
2 plan”.

3 (2) CLERICAL AMENDMENTS.—The table of sec-
4 tions at the beginning of subchapter I of chapter
5 173 of such title is amended—

6 (A) by striking the item relating to section
7 2911 and inserting the following new item:

“2911. Energy performance goals and master plan for the Department of De-
fense.”; and

8 (B) by striking the item relating to section
9 2915 and inserting the following new item:

“2915. Facilities: use of renewable forms of energy and energy efficient prod-
ucts.”.

10 **Subtitle E—Land Conveyances**

11 **SEC. 2841. LAND CONVEYANCE, DEFENSE FUEL SUPPORT** 12 **POINT (DFSP) WHITTIER, ALASKA.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of
14 the Army or the Secretary of the Air Force may convey
15 to the City of Whittier, Alaska (in this section referred
16 to as the “City”), all right, title, and interest of the United
17 States in and to a parcel of real property, including any
18 improvements thereon, consisting of approximately 62
19 acres, located at the Defense Fuel Support Point (DFSP)
20 Whittier, Alaska, that the Secretary making the convey-
21 ance considers appropriate in the public interest.

22 (b) CONSIDERATION.—As consideration for the con-
23 veyance under subsection (a), the City shall pay to the

1 Secretary conveying the property an amount that is not
2 less than the fair market value of the property conveyed,
3 as determined by the Secretary. The Secretary's deter-
4 mination shall be final. In lieu of all or a portion of cash
5 payment of consideration, the Secretary may accept in-
6 kind consideration, including environmental remediation
7 for the property conveyed.

8 (c) PAYMENT OF COSTS OF CONVEYANCE.—

9 (1) PAYMENT REQUIRED.—The Secretary con-
10 veying property under subsection (a) shall require
11 the City to reimburse the Secretary to cover costs
12 (except costs for environmental remediation of the
13 property) to be incurred by the Secretary, or to re-
14 imburse the Secretary for costs incurred by the Sec-
15 retary, to carry out the conveyance under subsection
16 (a), including survey costs, costs related to environ-
17 mental documentation, and any other administrative
18 costs related to the conveyance. If amounts are col-
19 lected in advance of the Secretary incurring the ac-
20 tual costs, and the amount collected exceeds the
21 costs actually incurred by the Secretary to carry out
22 the conveyance, the Secretary shall refund the excess
23 amount to the City of Whittier.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—

25 Amounts received as reimbursement under para-

1 graph (1) shall be credited to the fund or account
2 that was used to cover those costs incurred by the
3 Secretary in carrying out the conveyance. Amounts
4 so credited shall be merged with amounts in such
5 fund or account and shall be available for the same
6 purposes, and subject to the same conditions and
7 limitations, as amounts in such fund or account.

8 (d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—
9 Nothing in this section shall be construed to affect or limit
10 the application of, or any obligation to comply with, any
11 environmental law, including the Comprehensive Environ-
12 mental Response, Compensation, and Liability Act of
13 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Dis-
14 posal Act (42 U.S.C. 6901 et seq.).

15 (e) TREATMENT OF CASH CONSIDERATION RE-
16 CEIVED.—Any cash payment received by the United
17 States as consideration for the conveyance under sub-
18 section (a) shall be deposited in the special account in the
19 Treasury established under subsection (b) of section 572
20 of title 40, United States Code, and shall be available in
21 accordance with paragraph (5)(B) of such subsection.

22 (f) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the parcel of real property to be
24 conveyed under this section shall be determined by a sur-
25 vey satisfactory to the Secretary of the Interior.

1 (g) ADDITIONAL TERMS AND CONDITIONS.—The
2 Secretary making the conveyance under subsection (a)
3 may require such additional terms and conditions in con-
4 nection with the conveyance as the Secretary considers ap-
5 propriate to protect the interests of the United States.

6 **SEC. 2842. LAND CONVEYANCE, FORT KNOX, KENTUCKY.**

7 (a) CONVEYANCE AUTHORIZED.—The Secretary of
8 the Army may convey, without consideration, to the De-
9 partment of Veterans Affairs of the Commonwealth of
10 Kentucky (in this section referred to as the “Depart-
11 ment”) all right, title, and interest of the United States
12 in and to a parcel of real property, including any improve-
13 ments thereon, consisting of approximately 194 acres at
14 Fort Knox, Kentucky, for the purpose of permitting the
15 Department to establish and operate a State veterans
16 home and future expansion of the adjacent State veterans
17 cemetery for veterans and eligible family members of the
18 Armed Forces.

19 (b) REVERSIONARY INTEREST.—If the Secretary de-
20 termines at any time that the real property conveyed
21 under subsection (a) is not being used in accordance with
22 the purpose of the conveyance specified in such subsection,
23 all right, title, and interest in and to the property shall
24 revert, at the option of the Secretary, to the United States,
25 and the United States shall have the right of immediate

1 entry onto the property. Any determination of the Sec-
2 retary under this subsection shall be made on the record
3 after an opportunity for a hearing.

4 (c) PAYMENT OR COSTS OF CONVEYANCE.—

5 (1) IN GENERAL.—The Secretary shall require
6 the Department to cover costs to be incurred by the
7 Secretary, or to reimburse the Secretary for costs in-
8 curred by the Secretary, to carry out the conveyance
9 under subsection (a), including costs related to envi-
10 ronmental documentation and other administrative
11 costs. This paragraph does not apply to costs associ-
12 ated with the environmen al remediation of the
13 property to be conveyed.

14 (2) TREATMENT OF AMOUNTS RECEIVED.—

15 Amounts received as reimbursements under para-
16 graph (1) shall be credited to the fund or account
17 that was used to cover the costs incurred by the Sec-
18 retary in carrying out the conveyance. Amounts so
19 credited shall be merged with amounts in such fund
20 or account and shall be available for the same pur-
21 poses, and subject to the same conditions and limita-
22 tions, as amounts in such fund or account.

23 (d) DESCRIPTION OF PROPERTY.—The exact acreage
24 and legal description of the real property to be conveyed

1 under subsection (a) shall be determined by a survey satis-
2 factory to the Secretary.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the conveyance under subsection
6 (a) as the Secretary considers appropriate to protect the
7 interests of the United States.

8 **SEC. 2843. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY**
9 **(WEST BANK), NEW ORLEANS, LOUISIANA.**

10 (a) **CONVEYANCE AUTHORIZED.**—Except as provided
11 in subsection (b), the Secretary of the Navy may convey
12 to the Algiers Development District all right, title, and in-
13 terest of the United States in and to the real property
14 comprising the Naval Support Activity (West Bank), New
15 Orleans, Louisiana, including—

16 (1) any improvements and facilities on the real
17 property; and

18 (2) available personal property on the real prop-
19 erty.

20 (b) **CERTAIN PROPERTY EXCLUDED.**—The convey-
21 ance under subsection (a) may not include—

22 (1) the approximately 29-acre area known as
23 the Secured Area of the real property described in
24 such subsection, which shall remain subject to the
25 Lease; and

1 (2) the Quarters A site, which is located at
2 Sanctuary Drive, as determined by a survey satisfac-
3 tory to the Secretary of the Navy.

4 (c) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the real property to be conveyed
6 under subsection (a) shall be determined by a survey satis-
7 factory to the Secretary of the Navy.

8 (d) TIMING.—The authority provided in subsection
9 (a) may only be exercised after—

10 (1) the Secretary of the Navy determines that
11 the property described in subsection (a) is no longer
12 needed by the Department of the Navy; and

13 (2) the Algiers Development District delivers
14 the full consideration as required by Article 3 of the
15 Lease.

16 (e) CONDITION OF CONVEYANCE.—The conveyance
17 authorized by subsection (a) shall include a condition that
18 expressly prohibits any use of the property that would
19 interfere or otherwise restrict operations of the Depart-
20 ment of the Navy in the Secured Area referred to in sub-
21 section (b), as determined by the Secretary of the Navy.

22 (f) SUBSEQUENT CONVEYANCE OF SECURED
23 AREA.—If at any time the Secretary of the Navy deter-
24 mines and notifies the Algiers Development District that
25 there is no longer a continuing requirement to occupy or

1 otherwise control the Secured Area referred to in sub-
2 section (b) to support the mission of the Marine Forces
3 Reserve or other comparable Marine Corps use, the Sec-
4 retary may convey to the Algiers Development District the
5 Secured Area and the any improvements situated thereon.

6 (g) SUBSEQUENT CONVEYANCE OF QUARTERS A.—
7 If at any time the Secretary of the Navy determines that
8 the Department of the Navy no longer has a continuing
9 requirement for general officers quarters to be located on
10 the Quarters A site referred to in subsection (b) or the
11 Department of the Navy elects or offers to transfer, sell,
12 lease, assign, gift or otherwise convey any or all of the
13 Quarters A site or any improvements thereon to any third
14 party, the Secretary may convey to the Algiers Develop-
15 ment District the real property containing the Quarters
16 A site.

17 (h) ADDITIONAL TERMS AND CONDITIONS.—The
18 Secretary of the Navy may require such additional terms
19 and conditions in connection with the conveyance of prop-
20 erty under this section, consistent with the Lease, as the
21 Secretary considers appropriate to protect the interest of
22 the United States.

23 (i) DEFINITIONS.—In this section:

1 (1) The term “Algiers Development District”
2 means the Algiers Development District, a local po-
3 litical subdivision of the State of Louisiana.

4 (2) The term “Lease” means that certain Real
5 Estate Lease for Naval Support Activity New Orle-
6 ans, West Bank, New Orleans, Louisiana, Lease No.
7 N47692-08-RP-08P30, by and between the United
8 States, acting by and through the Department of the
9 Navy, and the Algiers Development District dated
10 September 30, 2008.

11 **SEC. 2844. LAND CONVEYANCE, FORMER NAVY EXTREMELY**
12 **LOW FREQUENCY COMMUNICATIONS**
13 **PROJECT SITE, REPUBLIC, MICHIGAN.**

14 (a) CONVEYANCE AUTHORIZED.—The Secretary of
15 the Navy may convey, without consideration, to Humboldt
16 Township in Marquette County, Michigan, all right, title,
17 and interest of the United States in and to a parcel of
18 real property, including any improvements thereon, in Re-
19 public, Michigan, consisting of approximately seven acres
20 and formerly used as an Extremely Low Frequency com-
21 munications project site, for the purpose of permitting the
22 Township to use the property for public benefit.

23 (b) DESCRIPTION OF PROPERTY.—The exact acreage
24 and legal description of the real property to be conveyed

1 under subsection (a) shall be determined by a survey satis-
2 factory to the Secretary.

3 (c) **ADDITIONAL TERMS AND CONDITIONS.**—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the conveyance under subsection
6 (a) as the Secretary considers appropriate to protect the
7 interests of the United States.

8 **SEC. 2845. LAND CONVEYANCE, MARINE FORCES RESERVE**
9 **CENTER, WILMINGTON, NORTH CAROLINA.**

10 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
11 the Navy may convey to the North Carolina State Port
12 Authority of Wilmington, North Carolina (in this section
13 referred to as the “Port Authority”), all right, title, and
14 interest of the United States in and to a parcel of real
15 property, including any improvements thereon, consisting
16 of approximately 3.03 acres and known as the Marine
17 Forces Reserve Center in Wilmington, North Carolina, for
18 the purpose of permitting the Port Authority to use the
19 parcel for development of a port facility and for other pub-
20 lic purposes.

21 (b) **INCLUSION OF PERSONAL PROPERTY.**—The Sec-
22 retary of the Navy may include as part of the conveyance
23 under subsection (a) personal property of the Navy at the
24 Marine Forces Reserve Center that the Secretary of
25 Transportation recommends is appropriate for the devel-

1 opment or operation of the port facility and the Secretary
2 of the Navy agrees is excess to the needs of the Navy.

3 (c) INTERIM LEASE.—Until such time as the real
4 property described in subsection (a) is conveyed by deed,
5 the Secretary of the Navy may lease the property to the
6 Port Authority.

7 (d) CONSIDERATION.—

8 (1) CONVEYANCE.—The conveyance under sub-
9 section (a) shall be made without consideration as a
10 public benefit conveyance for port development if the
11 Secretary of the Navy determines that the Port Au-
12 thority satisfies the criteria specified in section 554
13 of title 40, United States Code, and regulations pre-
14 scribed to implement such section. If the Secretary
15 determines that the Port Authority fails to qualify
16 for a public benefit conveyance, but still desires to
17 acquire the property, the Port Authority shall pay to
18 the United States an amount equal to the fair mar-
19 ket value of the property to be conveyed. The fair
20 market value of the property shall be determined by
21 the Secretary.

22 (2) LEASE.—The Secretary of the Navy may
23 accept as consideration for a lease of the property
24 under subsection (c) an amount that is less than fair

1 market value if the Secretary determines that the
2 public interest will be served as a result of the lease.

3 (e) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 subsection (a) shall be determined by a survey satisfactory
6 to the Secretary of the Navy and the Port Authority. The
7 cost of such survey shall be borne by the Port Authority.

8 (f) ADDITIONAL TERMS.—The Secretary of the Navy
9 may require such additional terms and conditions in con-
10 nection with the conveyance as the Secretary considers ap-
11 propriate to protect the interests of the United States.

12 **Subtitle F—Other Matters**

13 **SEC. 2851. LIMITATION ON AVAILABILITY OF FUNDS PEND-** 14 **ING REPORT REGARDING CONSTRUCTION OF** 15 **A NEW OUTLYING LANDING FIELD IN NORTH** 16 **CAROLINA AND VIRGINIA.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The Navy has studied the feasibility and po-
20 tential locations of a new outlying landing field on
21 the East Coast since 2001.

22 (2) Since January 2008, the Navy has studied
23 five potential sites in North Carolina and Virginia,
24 whose communities have expressed opposition. Some
25 local governments where the sites under consider-

1 ation are located have taken formal action in opposi-
2 tion by resolution or correspondence to the Navy and
3 congressional officials.

4 (b) LIMITATION ON FUNDS PENDING REPORT.—

5 (1) IN GENERAL.—The Secretary of the Navy
6 may not obligate or expend funds for the study or
7 development of a new outlying landing field in North
8 Carolina or Virginia after fiscal year 2011 until the
9 Secretary has provided the congressional defense
10 committees a report on the Navy's efforts with re-
11 spect to the outlying landing field.

12 (2) ELEMENTS OF REPORT.—The report re-
13 quired under paragraph (1) shall include the fol-
14 lowing:

15 (A) A description of the actual training re-
16 quirements and completed training events in-
17 volving Fleet Carrier Landing Practice oper-
18 ations at Naval Air Station Oceana and Naval
19 Auxiliary Landing Field Fentress for the pre-
20 vious 10 years, to include statistics for the cur-
21 rent fiscal year.

22 (B) An assessment of the aviation training
23 requirements and completed aviation training
24 events conducted on all existing Navy outlying
25 landing fields and installations located in North

1 Carolina and Virginia, to include statistics for
2 the current fiscal year.

3 (C) An assessment of the suitability of all
4 Naval installations in North Carolina and Vir-
5 ginia to conduct Fleet Carrier Landing Practice
6 operations, including necessary facility modi-
7 fications and requirements to de-conflict with
8 current operations at each installation.

9 (D) A description of the estimated funding
10 necessary to construct a new outlying landing
11 field at each of the five sites under current con-
12 sideration, and a cost comparison analysis be-
13 tween construction of a new outlying landing
14 field versus use of an existing facility.

15 (E) A description of all completed or pend-
16 ing environmental studies conducted on any of
17 the five sites currently under consideration, in-
18 cluding the methodology, conclusions, and rec-
19 ommendations.

20 (F) Criteria for the basing of the Joint
21 Strike Fighter F-35 aircraft and a description
22 of the outlying landing field facilities that will
23 be required to support its training require-
24 ments.

1 **SEC. 2852. REQUIREMENTS RELATED TO PROVIDING**
2 **WORLD CLASS MILITARY MEDICAL CENTERS.**

3 (a) UNIFIED CONSTRUCTION STANDARD FOR MILI-
4 TARY CONSTRUCTION AND REPAIRS TO MILITARY MED-
5 ICAL CENTERS.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary of Defense
7 shall establish a unified construction standard for military
8 construction and repairs for military medical centers that
9 provides a single standard of care. This standard shall also
10 include—

11 (1) size standards for operating rooms and pa-
12 tient recovery rooms; and

13 (2) such other construction standards that the
14 Secretary considers necessary to support military
15 medical centers.

16 (b) INDEPENDENT REVIEW PANEL.—

17 (1) ESTABLISHMENT; PURPOSE.—The Sec-
18 retary of Defense shall establish an independent ad-
19 visory panel for the purpose of—

20 (A) reviewing the unified construction
21 standards established pursuant to subsection
22 (a) to determine the standards consistency with
23 industry practices and benchmarks for world
24 class medical construction;

25 (B) reviewing ongoing construction pro-
26 grams within the Department of Defense to en-

1 sure medical construction standards are uni-
2 formly applied across applicable military med-
3 ical centers;

4 (C) assessing the approach of the Depart-
5 ment of Defense approach to planning and pro-
6 gramming facility improvements with specific
7 emphasis on—

8 (i) facility selection criteria and pro-
9 portional assessment system; and

10 (ii) facility programming responsibil-
11 ities between the Assistant Secretary of
12 Defense for Health Affairs and the Secre-
13 taries of the military departments;

14 (D) assessing whether the Comprehensive
15 Master Plan for the National Capital Region
16 Medical, dated April 2010, is adequate to fulfill
17 statutory requirements, as required by section
18 2714 of the Military Construction Authorization
19 Act for Fiscal Year 2010 (division B of Public
20 Law 111–84; 123 Stat. 2656), to ensure that
21 the facilities and organizational structure de-
22 scribed in the plan result in world class military
23 medical centers in the National Capital Region;
24 and

1 (E) making recommendations regarding
2 any adjustments of the master plan referred to
3 in subparagraph (D) that are needed to ensure
4 the provision of world class military medical
5 centers and delivery system in the National
6 Capital Region.

7 (2) MEMBERS.—

8 (A) APPOINTMENTS BY SECRETARY.—The
9 panel shall be composed of such members as de-
10 termined by the Secretary of Defense, except
11 that the Secretary shall include as members—

12 (i) medical facility design experts;

13 (ii) military healthcare professionals;

14 (iii) representatives of premier health
15 care centers in the United States; and

16 (iv) former retired senior military offi-
17 cers with joint operational and budgetary
18 experience.

19 (B) CONGRESSIONAL APPOINTMENTS.—

20 The chairmen and ranking members of the
21 Committees on the Armed Services of the Sen-
22 ate and House of Representatives may each
23 designate one member of the panel.

1 (C) TERM.—Members of the panel may
2 serve on the panel until the termination date
3 specified in paragraph (7).

4 (D) COMPENSATION.—While performing
5 duties on behalf of the panel, a member and
6 any adviser referred to in paragraph (4) shall
7 be reimbursed under Government travel regula-
8 tions for necessary travel expenses.

9 (3) MEETINGS.—The panel shall meet not less
10 than quarterly. The panel or its members may make
11 other visits to military treatment centers and mili-
12 tary headquarters in connection with the duties of
13 the panel.

14 (4) STAFF AND ADVISORS.—The Secretary of
15 Defense shall provide necessary administrative staff
16 support to the panel. The panel may call in advisers
17 for consultation.

18 (5) REPORTS.—

19 (A) INITIAL REPORT.—Not later than 120
20 days after the first meeting of the panel, the
21 panel shall submit to the Secretary of Defense
22 a written report containing—

23 (i) an assessment of the adequacy of
24 the plan of the Department of Defense to
25 address the items specified in subpara-

1 graphs (A) through (E) of paragraph (1)
2 relating to the purposes of the panel; and
3 (ii) the recommendations of the panel
4 to improve the plan.

5 (B) ADDITIONAL REPORTS.—Not later
6 than February 1, 2011, and each February 1
7 thereafter until termination of the panel, the
8 panel shall submit to the Secretary of Defense
9 a report on the findings and recommendations
10 of the panel to address any deficiencies identi-
11 fied by the panel.

12 (6) ASSESSMENT OF RECOMMENDATIONS.—Not
13 later than 30 days after the date of the submission
14 of each report under paragraph (5), the Secretary of
15 Defense shall submit to the congressional defense
16 committees a report including—

17 (A) a copy of the panel’s assessment;
18 (B) an assessment by the Secretary of the
19 findings and recommendations of the panel; and
20 (C) the plans of the Secretary for address-
21 ing such findings and recommendations.

22 (7) TERMINATION.—The panel shall terminate
23 on September 30, 2015.

24 (c) DEFINITIONS.—In this section:

1 (1) NATIONAL CAPITAL REGION.—The term
2 “National Capital Region” has the meaning given
3 the term in section 2674(f) of title 10, United States
4 Code.

5 (2) WORLD CLASS MILITARY MEDICAL CEN-
6 TER.—The term “world class military medical cen-
7 ter” has the meaning given the term “world class
8 military medical facility” by the National Capital
9 Region Base Realignment and Closure Health Sys-
10 tems Advisory Subcommittee of the Defense Health
11 Board in appendix B of the report titled “Achieving
12 World Class—An Independent Review of the Design
13 Plans for the Walter Reed National Military Medical
14 Center and the Fort Belvoir Community Hospital”
15 and published in May 2009, as required by section
16 2721 of the Military Construction Authorization Act
17 for Fiscal Year 2009 (division B of Public Law 110–
18 417; 122 Stat. 4716).

19 **SEC. 2853. REPORT ON FUEL INFRASTRUCTURE**
20 **SUSTAINMENT, RESTORATION, AND MOD-**
21 **ERNIZATION REQUIREMENTS.**

22 Not later than 270 days after the date of the enact-
23 ment of this Act, the Director of the Defense Logistics
24 Agency shall submit to the congressional defense commit-

1 tees a report on the fuel infrastructure of the Department
2 of Defense. The report shall include the following:

3 (1) Fiscal projections for fuel infrastructure
4 sustainment, restoration, and modernization require-
5 ments to fully meet Department of Defense
6 sustainment models and industry recapitalization
7 practices.

8 (2) An assessment of the risk associated with
9 not providing adequate funding to support such fuel
10 infrastructure sustainment, restoration, and mod-
11 ernization requirements.

12 (3) An assessment of fuel infrastructure real
13 property deficiencies impacting the ability of the De-
14 fense Logistics Agency to fully support mission re-
15 quirements.

16 (4) An assessment of environmental liabilities
17 associated with current fueling operations.

18 (5) A list of real property previously used to
19 support fuel infrastructure and an assessment of the
20 environmental liabilities associated with such real
21 property and whether any of such real property can
22 be declared excess to the needs of the Department
23 of Defense.

1 (6) An assessment of the real property demar-
2 cation between the Secretaries of the military de-
3 partments and the Defense Logistics Agency.

4 **SEC. 2854. NAMING OF ARMED FORCES RESERVE CENTER,**
5 **MIDDLETOWN, CONNECTICUT.**

6 The newly constructed Armed Forces Reserve Center
7 in Middletown, Connecticut, shall be known and des-
8 ignated as the “Major General Maurice Rose Armed
9 Forces Reserve Center”. Any reference in a law, map, reg-
10 ulation, document, paper, or other record of the United
11 States to such Armed Forces Reserve Center shall be
12 deemed to be a reference to the Major General Maurice
13 Rose Armed Forces Reserve Center.

14 **SEC. 2855. SENSE OF CONGRESS ON PROPOSED EXTENSION**
15 **OF THE ALASKA RAILROAD CORRIDOR**
16 **ACROSS FEDERAL LAND IN ALASKA.**

17 (a) FINDING.—Congress finds that the Alaska Rail-
18 road proposes the extension of its railroad corridor over
19 approximately 950 acres of land located south and east
20 of North Pole, Alaska, including lands located near or ad-
21 jacent to the Chena River spillway, Eielson Air Force
22 Base, Tanana Flats Training Area (Fort Wainwright),
23 Donnelly Training Area (Fort Wainwright), and Fort
24 Greely.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Department of the Army and the Depart-
3 ment of the Air Force should explore means of accommo-
4 dating the railroad corridor expansion referred to in sub-
5 section (a) using existing authorities that will not ad-
6 versely impact military missions, operations, and training.

7 **SEC. 2856. SENSE OF CONGRESS ON IMPROVING MILITARY**
8 **HOUSING FOR MEMBERS OF THE AIR FORCE.**

9 (a) FINDING.—Congress makes the following find-
10 ings:

11 (1) In the mid-1990s, the Department of De-
12 fense became concerned that inadequate and poor
13 quality housing for members of the Armed Forces
14 was adversely affecting the quality of life for mem-
15 bers and their families and adversely affecting mili-
16 tary readiness by contributing to decisions by mem-
17 bers to leave the Armed Forces.

18 (2) At that time, the Department of Defense
19 designated about 180,000 houses, or nearly two-
20 thirds of its domestic family housing inventory, as
21 inadequate and needing repair or complete replace-
22 ment.

23 (3) The Department of Defense believed that it
24 would need about \$20,000,000,000 in appropriated
25 funds and would take up to 40 years to eliminate

1 poor quality military housing through new construc-
2 tion or renovation using its traditional military con-
3 struction approach.

4 (4) In 1996, Congress enacted the Military
5 Housing Privatization Initiative to provide the De-
6 partment of Defense with a variety of authorities to
7 obtain private sector financing and management for
8 the repair, renovation, construction, and manage-
9 ment of military family housing.

10 (5) The Air Force has used the Military Hous-
11 ing Privatization Initiative to award 27 projects at
12 44 military bases to improve over 37,000 homes.

13 (6) The Air Force has received \$7,100,000,000
14 in total development investment from the private
15 sector for new housing with a taxpayer contribution
16 of approximately \$425,000,000, representing a 15 to
17 1 leveraging of taxpayer dollars.

18 (7) The Air Force, like the other military serv-
19 ices, has been able to leverage varying conditions of
20 housing at military bases into fiscally viable projects
21 by packaging housing inventories at multiple bases
22 into a single transaction.

23 (8) Congress has approved transactions involv-
24 ing the packaging of multiple bases as a critical tool
25 to maximize the efficient use of taxpayer funds.

1 (9) Congress supports the goal of the Air Force
2 to complete transactions for the repair, renovation,
3 construction, and management of 100 percent of
4 their military family housing inventory in the United
5 States by December 31, 2012.

6 (10) The Air Force currently has 6 project so-
7 licitations prepared for open competition at 22 Air
8 Force installations to improve over 15,000 homes.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the Secretary of the Air Force should use exist-
11 ing authority to carry out solicitations for the 6 military
12 housing projects involving the packaging of 22 bases con-
13 sistent with the goal of improving 15,000 homes for Air
14 Force personnel and their families by December 31, 2012.

15 **SEC. 2857. SENSE OF CONGRESS REGARDING REC-**
16 **REATIONAL HUNTING AND FISHING ON MILI-**
17 **TARY INSTALLATIONS.**

18 It is the sense of the Congress that—

19 (1) military installations that permit public ac-
20 cess for recreational hunting and fishing should con-
21 tinue to permit such hunting and fishing where ap-
22 propriate;

23 (2) permitting the public to access military in-
24 stallations for recreational hunting and fishing bene-
25 fits local communities by conserving and promoting

1 the outdoors and establishing positive relations be-
 2 tween the civilian and defense sectors;

3 (3) any military installations that make rec-
 4 reational hunting and fishing permits available for
 5 purchase should provide a discounted rate for active
 6 and retired members of the Armed Forces and vet-
 7 erans with disabilities; and

8 (4) the Department of Defense, all of the serv-
 9 ice branches, and military installations that permit
 10 public access for recreational hunting and fishing
 11 should promote access to such installations by mak-
 12 ing the appropriate accommodations for members of
 13 the Armed Forces and veterans with disabilities.

14 **TITLE XXIX—OVERSEAS CONTIN-**
 15 **GENY OPERATIONS MILI-**
 16 **TARY 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.

17 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 18 **ACQUISITION PROJECTS.**

19 (a) OUTSIDE THE UNITED STATES.—The Secretary
 20 of the Army may acquire real property and carry out mili-
 21 tary construction projects for the installations or locations
 22 outside the United States, and in the amounts, set forth
 23 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	

1 (b) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) OUTSIDE THE UNITED STATES.—For mili-
3 tary construction projects outside the United States
4 authorized by subsection (a), funds are hereby au-
5 thorized to be appropriated for fiscal years begin-
6 ning after September 30, 2010, in the total amount
7 of \$816,300,000.

8 (2) UNSPECIFIED MINOR MILITARY CONSTRUC-
9 TION PROJECTS.—For unspecified minor military
10 construction projects authorized by section 2805 of
11 title 10, United States Code, funds are hereby au-
12 thorized to be appropriated for fiscal years begin-
13 ning after September 30, 2010, in the total amount
14 of \$78,350,000.

15 (3) ARCHITECTURAL AND ENGINEERING SERV-
16 ICES AND CONSTRUCTION DESIGN.—For architec-
17 tural and engineering services and construction de-
18 sign under section 2807 of title 10, United States

1 Code, funds are hereby authorized to be appro-
 2 priated for fiscal years beginning after September
 3 30, 2010, in the total amount of \$79,716,000.

4 (4) OVERSIGHT.—For the Department of De-
 5 fense Inspector General, funds are hereby authorized
 6 to be appropriated for fiscal years beginning after
 7 September 30, 2010, in the total amount of
 8 \$7,000,000.

9 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 10 **LAND ACQUISITION PROJECT.**

11 (a) OUTSIDE THE UNITED STATES.—The Secretary
 12 of the Air Force may acquire real property and carry out
 13 military construction projects for the installations or loca-
 14 tions outside the United States, and in the amounts, set
 15 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

16 (b) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) OUTSIDE THE UNITED STATES.—For mili-
 18 tary construction projects outside the United States
 19 authorized by subsection (a), funds are hereby au-
 20 thorized to be appropriated for fiscal years begin-
 21 ning after September 30, 2010, in the total amount
 22 of \$132,000,000.

1 (1) OUTSIDE THE UNITED STATES.—For mili-
2 tary construction projects outside the United States
3 authorized by subsection (a), funds are hereby au-
4 thorized to be appropriated for fiscal years begin-
5 ning after September 30, 2010, in the total amount
6 of \$41,900,000.

7 (2) ARCHITECTURAL AND ENGINEERING SERV-
8 ICES AND CONSTRUCTION DESIGN.—For architec-
9 tural and engineering services and construction de-
10 sign authorized by section 2807 of title 10, United
11 States Code, funds are hereby authorized to be ap-
12 propriated for fiscal years beginning after September
13 30, 2010, in the total amount of \$4,600,000.

1 **TITLE XXX—MILITARY CON-**
 2 **STRUCTION FUNDING TABLES**

Sec. 3001. Military construction.
 Sec. 3002. Overseas contingency operations.

3

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 Iner 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
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

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	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
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

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
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
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, Iner 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, Iner 4	26,000	26,000
Army	Vicenza	Brigade Complex—Operations Support Facility, Iner 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

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	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
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
	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

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Camp Johnson	46,550	46,550
Navy	Camp Lejeune	Explosive Ordnance 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
Navy	Pennsylvania			
Navy	Naval Support Activity Mechanicsburg	North Gate Security Improvements	0	0
Navy	Naval Support Activity Mechanicsburg	Quiet Propulsion Load House	0	0
Navy	Rhode Island			
Navy	Newport	Electromagnetic Facility	27,007	27,007
Navy	Newport	Gate Improvements	0	0
Navy	Newport	Submarine Payloads Integration Laboratory	0	0
Navy	South Carolina			
Navy	Beaufort	Air Installation Compatible 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
Navy	Texas			
Navy	Kingsville NAS	Youth Center	0	0
Navy	Virginia			
Navy	Dahlgren	Building 1200—Missile Support Facility Replacement Phase 1.	0	0
Navy	Norfolk	Pier 9 & 10 Upgrades for Ddg 1000	2,400	2,400
Navy	Norfolk	Pier 1 Upgrades to Berth Usus Comfort	10,035	10,035
Navy	Portsmouth	Ship Repair Pier Replacement, Iner 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
Navy	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 Eep Improvements	0	0
Navy	Naval Base Kitsap	Limited Area Product/Strg Complex (Incremented) ...	19,116	19,116
Navy	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
Navy	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
Navy	Japan			
Navy	Atsugi	MH-60e/S Trainer Facility	6,908	6,908
Navy	Spain			
Navy	Rota	Air Traffic Control Tower	23,190	23,190
Navy	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
Navy	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning and Design	120,050	120,050

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	20,877	20,877
Total Military Construction, Navy			3,879,104	3,516,173
AF	Alabama Maxwell AFB	Adal Air University Library	13,400	13,400
AF	Alaska 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
AF	Arizona 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
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
AF	California Edwards AFB	Flightline Fire Station	0	0
AF	Los Angeles AFB	Consolidated Parking Area, Ph 2	0	0
AF	Colorado 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
AF	Delaware Dover AFB	C-5M/C-17 Maintenance Training Facility, Ph 2	3,200	3,200
AF	District of Columbia Bolling AFB	Joint Air Defense Operations Center	13,200	13,200
AF	Florida 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
AF	Georgia Robins AFB	54th Combat Communications Squadron Warehouse Facility, Ph 2.	0	0
AF	Louisiana Barksdale AFB	Weapons Load Crew Training Facility	18,140	18,140
AF	Missouri Whiteman AFB	Consolidated Air Ops Facility	0	0
AF	Montana Malmstrom AFB	Physical Fitness Center, Phase II	0	0
AF	Nebraska Offutt AFB	Kenney/Bellevue Gates	0	0
AF	Nevada 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
AF	New Jersey McGuire AFB	Base Ops/Command Post Facility (TFI)	8,000	8,000
AF	McGuire AFB	Dormitory (120 Rm)	18,440	18,440
AF	New Mexico 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

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
AF	Kirtland AFB New York	Replace Fire Station 3	0	0
AF	Fort Drum North Carolina	20th Air Support Operations Squadron Complex	20,440	20,440
AF	Pope AFB North Dakota	Crash/Fire/Rescue Station	0	0
AF	Grand Forks AFB	Central Deployment Center	0	0
AF	Minot AFB Oklahoma	Control Tower/Base Operations Facility	18,770	18,770
AF	Tinker AFB	Air Traffic Control Tower	0	0
AF	Tinker AFB	Upgrade Building 3001 Infrastructure, Ph 3	14,000	14,000
AF	South Carolina Charleston AFB	Civil Engineer Complex (TFI)—Ph 1	15,000	15,000
AF	South Dakota Ellsworth AFB	Maintenance Training Facility	0	0
AF	Texas 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
AF	Utah 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
AF	Virginia Langley AFB	F-22 Add/Alter Hangar Bay Lo/Cr Facility	8,800	8,800
AF	Washington Fairchild AFB	Precision Measurement Equipment Laboratory (Pmel) Facility.	0	0
AF	Mechord AFB	Chapel Center	0	0
AF	Wyoming Camp Guernsey	Nuclear/Space Security Tactics Training Center	4,650	4,650
AF	Afghanistan 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
AF	Bahrain Island SW Asia	North Apron Expansion	45,000	45,000
AF	Germany 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
AF	Guam Andersen AFB	Combat Communications Operations Facility	9,200	9,200
AF	Andersen AFB	Commando Warrior Open Bay Student Barracks	11,800	11,800
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
AF	Italy Aviano AFB	Air Support Operations Squadron Facility	10,200	10,200
AF	Aviano AFB	Dormitory (144 Rm)	19,000	19,000
AF	Korea Kunsan AFB	Construct Distributed Mission Training Flight Simulator Facility.	7,500	7,500
AF	Qatar Al Udeid	Blatchford-Preston Complex Ph 3	62,300	62,300
AF	United Kingdom Royal Air Force Mildenhall	Extend Taxiway Alpha	15,000	15,000
AF	Worldwide Unspecified 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

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
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	Replec Storage Facility, Iner 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 Addition/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			
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 Institute 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 Institute 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, Iner 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			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Def-Wide	U.S. Military Academy North Carolina	West Point MS Add/Alt	27,960	27,960
Def-Wide	Camp Lejeune	Tarawa Terrace I Elementry School Replace School ..	16,646	16,646
Def-Wide	Fort Bragg	Menair 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 Oper- ations.	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 Communica- tions Facility.	11,000	11,000
Def-Wide	Fort Bragg	Special Operations Forces Operations Additions	15,795	15,795
Def-Wide	Fort Bragg	Special Operations Forces Operations Support Facil- ity.	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, Iner 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, Iner 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—Re- place 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
Def-Wide	Unspecified Worldwide Locations	Planning and Design (NSA)	28,239	28,239

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
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 Meclellan	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
	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

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
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
	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	Varloes	Varloes	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

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
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
Army Res	Rockford Usare	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 Me Coy	AT/MOB Billeting Complex, Ph 1	9,800	9,800
Army Res	Fort Me Coy	Neo Academy, Ph 2	10,000	10,000
	Unspecified			
Army Res	Varloes	Varloes	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	Varloes	Varloes	0	0
N/MC Res	Varloes	Varloes	0	0
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Menr 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
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			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Air NG	Davis Monthan AFB	TPI—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
Air NG	Arkansas Little Rock AFB	Fuel Cell and Corrosion Control Hangar	0	0
Air NG	Colorado Buckely AFB	Taxiway Juliet and Lima	0	0
Air NG	Delaware 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
Air NG	Florida Jacksonville IAP	Security Forces Training Facility	6,700	6,700
Air NG	Georgia Savannah/Hilton Head IAP	Relocate Air Supt Opers Sqdn (Asos) Fac	7,450	7,450
Air NG	Hawaii Hickam AFB	F-22 Beddown Infrastructure 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
Air NG	Illinois Capital Map	CNAF Beddown-Upgrade Facilities	16,700	16,700
Air NG	Indiana Hulman Regional Airport	Asos Beddown-Upgrade Facilities	4,100	4,100
Air NG	Iowa Des Moines	Corrosion Control Hangar	0	0
Air NG	Des Moines IAP	Corrosion Control Hangar	0	0
Air NG	Maryland Martin State Airport	Replace Ops and Medical Training Facility	11,400	11,400
Air NG	Massachusetts Barnes ANGB	Add to Aircraft Maintenance Hangar	0	0
Air NG	Barnes Municipal Airport	Additions and Renovations to Building 15	0	0
Air NG	Michigan Alpena Combat Readiness Training Center	Replace Troop Quarters, Phase II	0	0
Air NG	Minnesota Duluth	Load Crew Training and Weapon Release Shops	0	0
Air NG	New Jersey 177th Fighter Wing, Atlantic City	Fuel Cell and Corrosion Control Hangar	0	0
Air NG	Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	0	0
Air NG	New York 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
Air NG	North Carolina Stanly County Airport	Upgrade Asos Facilities	2,000	2,000
Air NG	Ohio Toledo Express Airport	Replace Security Forces Complex	0	0
Air NG	Toledo Express Airport	Replace Security Forces Complex	0	0
Air NG	Oregon Kingsley Field ANG Base	Replace Fire Station	0	0
Air NG	Pennsylvania State College Angs	Add to and Alter AOS Facility	4,100	4,100
Air NG	Rhode Island Quonset State Airport	C-130 Parking Apron	0	0
Air NG	South Carolina Mcentire	Training/Operations Center	0	0
Air NG	Mcentire Joint National Guard Base	Replace Operations and Training	0	0
Air NG	South Dakota Joe Foss Field	Aircraft Maintenance Shops	0	0
Air NG	Tennessee Meghee Tyson ANG Base	Hobbs Road Acquisition	0	0
Air NG	Nashville IAP	Renovate Intel Squadron Facilities	5,500	5,500
Air NG	Texas Ellington Field	Upgrade Unmanned Aerial Vehicle Maintenance Hangar.	0	7,000
Air NG	Vermont Burlington International Airport	Upgrade Taxiways and Replace Arm/Disarm Pads	0	0
	West Virginia			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
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	Varloes	Varloes	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	Varloes	Varloes	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 Construction (110 Units)	21,000	21,000
	Germany			
FH Con Army	Baumholder	Family Housing Replacement Construction (64 Units)	34,329	34,329
	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 Improvements	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

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Planning & Design	4,225	4,225
Total Family Housing Construction, Air Force			4,225	4,225
FH Ops Navy	Worldwide Unspecified 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
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
FH Ops AF	Worldwide Unspecified 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
FH Ops DW	Worldwide Unspecified 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
HOAP	Worldwide Unspecified Unspecified Worldwide Locations	Homeowners Assistance Program	16,515	16,515
Total Homeowners Assistance Fund			16,515	16,515
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing Improvement Fund	1,096	1,096
Total DOD Family Housing Improvement Fund			1,096	1,096
BRAC 05	Maryland Bethesda (Wrummc)	Defense Access Roads—Medical Center Entrance	20,000	20,000
BRAC 05	Bethesda (Wrummc)	Traffic Mitigation, Iner 2	7,600	7,600
BRAC 05	Texas Fort Sam Houston	San Antonio Military Medical Center (North), Iner 4	93,941	93,941
BRAC 05	Virginia Fort Belvoir	Hospital Replacement, Iner 5	63,637	63,637
BRAC 05	Fort Belvoir	NGA Headquarters Facility	83,328	83,328
BRAC 05	Fort Belvoir	Office Complex, Iner 4	5,610	5,610
BRAC 05	Worldwide Unspecified 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
BRAC IV	Worldwide Unspecified 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
GR	Unspecified Unspecified Worldwide Locations	General Reductions	0	0
Total General Reductions			0	
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 li	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
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

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
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			
AF	AL Musamah	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

1 **DIVISION C—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **AUTHORIZATIONS AND**
 4 **OTHER AUTHORIZATIONS**
 5 **TITLE XXXI—DEPARTMENT OF**
 6 **ENERGY NATIONAL SECURITY**
 7 **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.

1 **Subtitle A—National Security**
2 **Programs Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
6 are hereby authorized to be appropriated to the Depart-
7 ment of Energy for fiscal year 2011 for the activities of
8 the National Nuclear Security Administration in carrying
9 out programs necessary for national security in the
10 amount of \$11,214,755,000, to be allocated as follows:

11 (1) For weapons activities, \$7,028,835,000.

12 (2) For defense nuclear nonproliferation activi-
13 ties, \$2,667,167,000.

14 (3) For naval reactors, \$1,070,486,000.

15 (4) For the Office of the Administrator for Nu-
16 clear Security, \$448,267,000.

17 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
18 From funds referred to in subsection (a) that are available
19 for carrying out plant projects, the Secretary of Energy
20 may carry out new plant projects for the National Nuclear
21 Security Administration as follows:

22 (1) Project 11–D–801, reinvestment project
23 phase 2, Los Alamos National Laboratory, Los Ala-
24 mos, New Mexico, \$20,000,000.

1 (2) Project 11–D–601, sanitary effluent rec-
2 lamation facility expansion, Los Alamos National
3 Laboratory, Los Alamos, New Mexico, \$15,000,000.

4 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

5 Funds are hereby authorized to be appropriated to
6 the Department of Energy for fiscal year 2011 for defense
7 environmental cleanup activities in carrying out programs
8 necessary for national security in the amount of
9 \$5,588,039,000.

10 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

11 Funds are hereby authorized to be appropriated to
12 the Department of Energy for fiscal year 2011 for other
13 defense activities in carrying out programs necessary for
14 national security in the amount of \$878,209,000.

15 **SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

16 Funds are hereby authorized to be appropriated to
17 the Department of Energy for fiscal year 2011 for energy
18 security and assurance programs necessary for national
19 security in the amount of \$6,188,000.

20 **Subtitle B—Program Authoriza-**
21 **tions, Restrictions, and Limita-**
22 **tions**

23 **SEC. 3111. AIRCRAFT PROCUREMENT.**

24 Of the amounts authorized to be appropriated and
25 made available for obligation under section 3101(1) for

1 weapons activities for any fiscal year before fiscal year
2 2012, the Secretary of Energy may procure not more than
3 two aircraft.

4 **SEC. 3112. BIENNIAL PLAN ON MODERNIZATION AND RE-**
5 **FURBISHMENT OF THE NUCLEAR SECURITY**
6 **COMPLEX.**

7 (a) IN GENERAL.—Subtitle A of title XLII of the
8 Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is
9 amended by inserting after section 4203 the following new
10 section:

11 **“SEC. 4203A. BIENNIAL PLAN ON MODERNIZATION AND RE-**
12 **FURBISHMENT OF THE NUCLEAR SECURITY**
13 **COMPLEX.**

14 “(a) IN GENERAL.—In each even-numbered year, be-
15 ginning in 2012, the Administrator for Nuclear Security
16 shall include in the plan for maintaining the nuclear weap-
17 ons stockpile required by section 4203 a plan for the mod-
18 ernization and refurbishment of the nuclear security com-
19 plex.

20 “(b) PLAN DESIGN.—

21 “(1) IN GENERAL.—The plan required by sub-
22 section (a) shall be designed to ensure that the nu-
23 clear security complex is capable of supporting the
24 following:

1 “(A) Except as provided in paragraph (2),
2 the national security strategy of the United
3 States as set forth in the most recent national
4 security strategy report of the President under
5 section 108 of the National Security Act of
6 1947 (50 U.S.C. 404a).

7 “(B) The nuclear posture of the United
8 States as set forth in the most recent Nuclear
9 Posture Review.

10 “(2) EXCEPTION.—If, at the time the plan is
11 submitted under subsection (a), a national security
12 strategy report has not been submitted to Congress
13 under section 108 of the National Security Act of
14 1947 (50 U.S.C. 404a), the plan required by sub-
15 section (a) shall be designed to ensure that the nu-
16 clear security complex is capable of supporting the
17 national defense strategy recommended in the report
18 of the most recent Quadrennial Defense Review.

19 “(c) PLAN ELEMENTS.—The plan required by sub-
20 section (a) shall include the following:

21 “(1) A description of the modernization and re-
22 furbishment measures the Administrator determines
23 necessary to meet the requirements of—

24 “(A) the national security strategy of the
25 United States as set forth in the most recent

1 national security strategy report of the Presi-
2 dent under section 108 of the National Security
3 Act of 1947 (50 U.S.C. 404a) or the national
4 defense strategy recommended in the report of
5 the most recent Quadrennial Defense Review,
6 as applicable under subsection (b); and

7 “(B) the Nuclear Posture Review.

8 “(2) A schedule for implementing the measures
9 described in paragraph (1) during the ten years fol-
10 lowing the date on which the plan for maintaining
11 the nuclear weapons stockpile required by section
12 4203 and into which the plan required by subsection
13 (a) is incorporated is submitted to Congress under
14 section 4203(c).

15 “(3) Consistent with the budget justification
16 materials submitted to Congress in support of the
17 Department of Energy budget for the fiscal year (as
18 submitted with the budget of the President under
19 section 1105(a) of title 31, United States Code), an
20 estimate of the annual funds the Administrator de-
21 termines necessary to carry out the plan required by
22 subsection (a), including a discussion of the criteria,
23 evidence, and strategies on which the estimate is
24 based.

1 “(d) FORM.—The plan required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 “(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—

5 “(1) ASSESSMENT REQUIRED.—For each plan
6 required by subsection (a), the Nuclear Weapons
7 Council established by section 179 of title 10,
8 United States Code, shall conduct an assessment
9 that includes the following:

10 “(A) An analysis of the plan, including—

11 “(i) whether the plan supports the re-
12 quirements of the national security strat-
13 egy of the United States or the most re-
14 cent Quadrennial Defense Review, which-
15 ever is applicable under subsection (b), and
16 the Nuclear Posture Review; and

17 “(ii) whether the modernization and
18 refurbishment measures described under
19 paragraph (1) of subsection (c) and the
20 schedule described under paragraph (2) of
21 such subsection are adequate to support
22 such requirements.

23 “(B) An analysis of whether the plan ade-
24 quately addresses the requirements for infra-

1 structure recapitalization of the facilities of the
2 nuclear security complex.

3 “(C) If the Nuclear Weapons Council de-
4 termines that the plan does not adequately sup-
5 port modernization and refurbishment require-
6 ments under subparagraph (A) or the nuclear
7 security complex facilities infrastructure recap-
8 italization requirements under subparagraph
9 (B), a risk assessment with respect to—

10 “(i) supporting the annual certifi-
11 cation of the nuclear weapons stockpile
12 under section 4203; and

13 “(ii) maintaining the long-term safety,
14 security, and reliability of the nuclear
15 weapons stockpile.

16 “(2) REPORT REQUIRED.—Not later than 180
17 days after the date on which the Administrator sub-
18 mits the plan required by subsection (a), the Nu-
19 clear Weapons Council shall submit to the congres-
20 sional defense committees a report detailing the as-
21 sessment required under paragraph (1).

22 “(f) DEFINITIONS.—In this section:

23 “(1) The term ‘nuclear security complex’ means
24 the physical facilities, technology, and human capital
25 of the following:

1 “(A) The national security laboratories (as
2 defined in section 3281 of the National Nuclear
3 Security Administration Act (50 U.S.C. 2471)).

4 “(B) The Kansas City Plant, Kansas City,
5 Missouri.

6 “(C) The Nevada Test Site, Nevada.

7 “(D) The Savannah River Site, Aiken,
8 South Carolina.

9 “(E) The Y-12 National Security Complex,
10 Oak Ridge, Tennessee.

11 “(F) The Pantex Plant, Amarillo, Texas.

12 “(2) The term ‘Quadrennial Defense Review’
13 means the review of the defense programs and poli-
14 cies of the United States that is carried out every
15 four years under section 118 of title 10, United
16 States Code.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 for the Atomic Energy Defense Act is amended by insert-
19 ing after the item relating to section 4203 the following
20 new item:

 “Sec. 4203A. Biennial plan on modernization and refurbishment of the nuclear
 security complex.”.

1 **SEC. 3113. COMPTROLLER GENERAL ASSESSMENT OF ADE-**
2 **QUACY OF BUDGET REQUESTS WITH RE-**
3 **SPECT TO THE MODERNIZATION AND REFUR-**
4 **BISHMENT OF THE NUCLEAR WEAPONS**
5 **STOCKPILE.**

6 (a) IN GENERAL.—Section 3255 of the National Nu-
7 clear Security Administration Act (50 U.S.C. 2455) is
8 amended to read as follows:

9 **“SEC. 3255. COMPTROLLER GENERAL ASSESSMENT OF ADE-**
10 **QUACY OF BUDGET REQUESTS WITH RE-**
11 **SPECT TO THE MODERNIZATION AND REFUR-**
12 **BISHMENT OF THE NUCLEAR WEAPONS**
13 **STOCKPILE.**

14 “(a) GAO STUDY AND REPORTS.—(1) For the nu-
15 clear security budget materials submitted in each fiscal
16 year by the Administrator, the Comptroller General of the
17 United States shall conduct a study on whether both the
18 budget for the fiscal year following the fiscal year in which
19 such budget materials are submitted and the future-years
20 nuclear security program submitted to Congress in rela-
21 tion to such budget under section 3253 provide for fund-
22 ing of the nuclear security complex at a level that is suffi-
23 cient for the modernization and refurbishment of the nu-
24 clear security complex.

25 “(2) Not later than 90 days after the date on which
26 the Administrator submits the nuclear security budget

1 materials, the Comptroller General shall submit to the
2 congressional defense committees a report on the study
3 under paragraph (1), including—

4 “(A) the findings of such study; and

5 “(B) whether the nuclear security budget mate-
6 rials support the requirements for infrastructure re-
7 capitalization of the facilities of the nuclear security
8 complex.

9 “(b) DEFINITIONS.—In this section:

10 “(1) The term ‘budget’ means the budget for a
11 fiscal year that is submitted to Congress by the
12 President under section 1105(a) of title 31, United
13 States Code.

14 “(2) The term ‘nuclear security budget mate-
15 rials’ means the materials submitted to Congress by
16 the Administrator in support of the budget for a fis-
17 cal year.

18 “(3) The term ‘nuclear security complex’ means
19 the physical facilities, technology, and human capital
20 of the following:

21 “(A) The national security laboratories.

22 “(B) The Kansas City Plant, Kansas City,
23 Missouri.

24 “(C) The Nevada Test Site, Nevada.

1 “(D) The Savannah River Site, Aiken,
2 South Carolina.

3 “(E) The Y-12 National Security Complex,
4 Oak Ridge, Tennessee.

5 “(F) The Pantex Plant, Amarillo, Texas.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 for the National Nuclear Security Administration Act is
8 amended by striking the item relating to section 3255 and
9 inserting the following new item:

 “Sec. 3255. Comptroller General assessment of adequacy of budget requests
 with respect to the modernization and refurbishment of the nu-
 clear weapons stockpile.”.

10 **SEC. 3114. NOTIFICATION OF COST OVERRUNS FOR CER-**
11 **TAIN DEPARTMENT OF ENERGY PROJECTS.**

12 (a) IN GENERAL.—Subtitle A of title XLVII of the
13 Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is
14 amended by adding at the end the following new section:

15 **“SEC. 4713. NOTIFICATION OF COST OVERRUNS FOR CER-**
16 **TAIN DEPARTMENT OF ENERGY PROJECTS.**

17 “(a) ESTABLISHMENT OF COST AND SCHEDULE
18 BASELINES.—

19 “(1) STOCKPILE LIFE EXTENSION PROJECTS.—

20 “(A) IN GENERAL.—The Administrator for
21 Nuclear Security shall establish a cost and
22 schedule baseline for each nuclear stockpile life
23 extension project of the National Nuclear Secu-
24 rity Administration.

1 “(B) PER UNIT COST.—The cost baseline
2 developed under subparagraph (A) shall in-
3 clude, with respect to each life extension
4 project, an estimated cost for each warhead in
5 the project.

6 “(C) NOTIFICATION TO CONGRESSIONAL
7 DEFENSE COMMITTEES.—Not later than 30
8 days after establishing a cost and schedule
9 baseline under subparagraph (A), the Adminis-
10 trator shall submit the cost and schedule base-
11 line to the congressional defense committees.

12 “(2) DEFENSE-FUNDED CONSTRUCTION
13 PROJECTS.—

14 “(A) IN GENERAL.—The Secretary of En-
15 ergy shall establish a cost and schedule baseline
16 under the project management protocols of the
17 Department of Energy for each construction
18 project that is—

19 “(i) in excess of \$50,000,000; and

20 “(ii) carried out by the Department
21 using funds authorized to be appropriated
22 for a fiscal year pursuant to a DOE na-
23 tional security authorization.

24 “(B) NOTIFICATION TO CONGRESSIONAL
25 DEFENSE COMMITTEES.—Not later than 30

1 days after establishing a cost and schedule
2 baseline under subparagraph (A), the Secretary
3 shall submit the cost and schedule baseline to
4 the congressional defense committees.

5 “(3) DEFENSE ENVIRONMENTAL MANAGEMENT
6 PROJECTS.—

7 “(A) IN GENERAL.—The Secretary shall
8 establish a cost and schedule baseline under the
9 project management protocols of the Depart-
10 ment of Energy for each defense environmental
11 management project that is—

12 “(i) in excess of \$50,000,000; and

13 “(ii) carried out by the Department
14 pursuant to such protocols.

15 “(B) NOTIFICATION TO CONGRESSIONAL
16 DEFENSE COMMITTEES.—Not later than 30
17 days after establishing a cost and schedule
18 baseline under subparagraph (A), the Secretary
19 shall submit the cost and schedule baseline to
20 the congressional defense committees.

21 “(b) NOTIFICATION OF COSTS EXCEEDING BASE-
22 LINE.—The Administrator or the Secretary, as applicable,
23 shall notify the congressional defense committees not later
24 than 30 days after determining that—

1 “(1) the total cost for a project referred to in
2 paragraph (1), (2), or (3) of subsection (a) will ex-
3 ceed an amount that is equal to 125 percent of the
4 cost baseline established under subsection (a) for
5 that project; and

6 “(2) in the case of a stockpile life extension
7 project referred to in subsection (a)(1), the cost for
8 any warhead in the project will exceed an amount
9 that is equal to 200 percent of the cost baseline es-
10 tablished under subsection (a)(1)(B) for each war-
11 head in that project.

12 “(c) NOTIFICATION OF DETERMINATION WITH RE-
13 SPECT TO TERMINATION OR CONTINUATION OF
14 PROJECTS.—Not later than 90 days after submitting a
15 notification under subsection (b) with respect to a project,
16 the Administrator or the Secretary, as applicable, shall—

17 “(1) notify the congressional defense commit-
18 tees with respect to whether the project will be ter-
19 minated or continued; and

20 “(2) if the project will be continued, certify to
21 the congressional defense committees that—

22 “(A) a revised cost and schedule baseline
23 has been established for the project and, in the
24 case of a stockpile life extension project referred
25 to in subparagraph (A) or (B) of subsection

1 (a)(1), a revised estimate of the cost for each
2 warhead in the project has been made;

3 “(B) the continuation of the project is nec-
4 essary to the mission of the Department of En-
5 ergy and there is no alternative to the project
6 that would meet the requirements of that mis-
7 sion; and

8 “(C) a management structure is in place
9 adequate to manage and control the cost and
10 schedule of the project.

11 “(d) APPLICABILITY OF REQUIREMENTS TO REVISED
12 COST AND SCHEDULE BASELINES.—A revised cost and
13 schedule baseline established under subsection (c) shall—

14 “(1) be submitted to the congressional defense
15 committees with the certification submitted under
16 subsection (c)(2); and

17 “(2) be subject to the notification requirements
18 of subsections (b) and (c) in the same manner and
19 to the same extent as a cost and schedule baseline
20 established under subsection (a).”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 for the Atomic Energy Defense Act is amended by insert-
23 ing after the item relating to section 4712 the following
24 new item:

“Sec. 4713. Notification of cost overruns for certain Department of Energy projects.”.

1 **SEC. 3115. ESTABLISHMENT OF COOPERATIVE RESEARCH**
2 **AND DEVELOPMENT CENTERS.**

3 (a) COOPERATIVE RESEARCH AND DEVELOPMENT
4 CENTERS.—

5 (1) IN GENERAL.—Section 4813 of the Atomic
6 Energy Defense Act (division D of Public Law 107–
7 314; 50 U.S.C. 2794) is amended—

8 (A) by redesignating subsection (b) as sub-
9 section (c); and

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

12 “(b) COOPERATIVE RESEARCH AND DEVELOPMENT
13 CENTERS.—(1) Subject to the availability of appropria-
14 tions provided for such purpose, the Administrator for Nu-
15 clear Security shall establish a cooperative research and
16 development center described in paragraph (2) at each na-
17 tional security laboratory.

18 “(2) A cooperative research and development center
19 described in this paragraph is a center to foster collabo-
20 rative scientific research, technology development, and the
21 appropriate transfer of research and technology to users
22 in addition to the national security laboratories.

23 “(3) In establishing a cooperative research and devel-
24 opment center under this subsection, the Administrator—

1 “(A) shall enter into cooperative research and
2 development agreements with governmental, public,
3 academic, or private entities; and

4 “(B) may enter into a contract with respect to
5 constructing, purchasing, managing, or leasing
6 buildings or other facilities.”.

7 (2) DEFINITION.—Subsection (c) of such sec-
8 tion, as redesignated by paragraph (1)(A), is amend-
9 ed by adding at the end the following new para-
10 graph:

11 “(5) The term ‘national security laboratory’ has
12 the meaning given that term in section 3281 of the
13 National Nuclear Security Administration Act (50
14 U.S.C. 2471).”.

15 (3) SECTION HEADING.—The heading of such
16 section is amended by inserting “**AND COOPERA-**
17 **TIVE RESEARCH AND DEVELOPMENT CEN-**
18 **TERS**” after “**PARTNERSHIPS**”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 for the Atomic Energy Defense Act is amended by striking
21 the item relating to section 4813 and inserting the fol-
22 lowing new item:

“Sec. 4813. Critical technology partnerships and cooperative research and de-
velopment centers.”.

1 **SEC. 3116. FUTURE-YEARS DEFENSE ENVIRONMENTAL**
2 **MANAGEMENT PLAN.**

3 (a) IN GENERAL.—Title XLIV of the Atomic Energy
4 Defense Act (50 U.S.C. 2581 et seq.) is amended by in-
5 serting after section 4402 the following new section:

6 **“SEC. 4402A. FUTURE-YEARS DEFENSE ENVIRONMENTAL**
7 **MANAGEMENT PLAN.**

8 “(a) IN GENERAL.—The Secretary of Energy shall
9 submit to Congress each year, at or about the same time
10 that the President’s budget is submitted to Congress for
11 a fiscal year under section 1105(a) of title 31, United
12 States Code, a future-years defense environmental man-
13 agement plan that—

14 “(1) reflects the estimated expenditures and
15 proposed appropriations included in that budget for
16 the Department of Energy for environmental man-
17 agement; and

18 “(2) covers a period that includes the fiscal
19 year for which that budget is submitted and not less
20 than the four succeeding fiscal years.

21 “(b) ELEMENTS.—Each future-years defense envi-
22 ronmental management plan required by subsection (a)
23 shall contain the following:

24 “(1) A detailed description of the projects and
25 activities relating to defense environmental manage-
26 ment to be carried out during the period covered by

1 the plan at the sites specified in subsection (c) and
2 with respect to the activities specified in subsection
3 (d).

4 “(2) A statement of proposed budget authority,
5 estimated expenditures, and proposed appropriations
6 necessary to support such projects and activities.

7 “(3) With respect to each site specified in sub-
8 section (c), the following:

9 “(A) A statement of each milestone in-
10 cluded in an enforceable agreement governing
11 cleanup and waste remediation for that site for
12 each fiscal year covered by the plan.

13 “(B) For each such milestone, a statement
14 with respect to whether each such milestone will
15 be met in each such fiscal year.

16 “(C) For any milestone that will not be
17 met, an explanation of why the milestone will
18 not be met and the date by which the milestone
19 is expected to be met.

20 “(c) SITES SPECIFIED.—The sites specified in this
21 subsection are the following:

22 “(1) The Idaho National Laboratory, Idaho.

23 “(2) The Waste Isolation Pilot Plant, Carlsbad,
24 New Mexico.

1 “(3) The Savannah River Site, Aiken, South
2 Carolina.

3 “(4) The Oak Ridge National Laboratory, Oak
4 Ridge, Tennessee.

5 “(5) The Hanford Site, Richland, Washington.

6 “(6) Any defense closure site of the Depart-
7 ment of Energy.

8 “(7) Any site of the National Nuclear Security
9 Administration.

10 “(d) ACTIVITIES SPECIFIED.—The activities specified
11 in this subsection are the following:

12 “(1) Program support.

13 “(2) Program direction.

14 “(3) Safeguards and security.

15 “(4) Technology development and deployment.

16 “(5) Federal contributions to the Uranium En-
17 richment Decontamination and Decommissioning
18 Fund established under section 1801 of the Atomic
19 Energy Act of 1954 (42 U.S.C. 2297g).”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 for the Atomic Energy Defense Act is amended by insert-
22 ing after the item relating to section 4402 the following
23 new item:

“Sec. 4402A. Future-years defense environmental management plan.”.

1 **SEC. 3117. EXTENSION OF AUTHORITY OF SECRETARY OF**
2 **ENERGY FOR APPOINTMENT OF CERTAIN**
3 **SCIENTIFIC, ENGINEERING, AND TECHNICAL**
4 **PERSONNEL.**

5 Section 4601(c)(1) of the Atomic Energy Defense Act
6 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-
7 tember 30, 2011” and inserting “September 30, 2016”.

8 **SEC. 3118. EXTENSION OF AUTHORITY OF SECRETARY OF**
9 **ENERGY TO ENTER INTO TRANSACTIONS TO**
10 **CARRY OUT CERTAIN RESEARCH PROJECTS.**

11 Section 646(g)(10) of the Department of Energy Or-
12 ganization Act (42 U.S.C. 7256(g)(10)) is amended by
13 striking “September 30, 2010” and inserting “September
14 30, 2015”.

15 **SEC. 3119. EXTENSION OF AUTHORITY RELATING TO THE**
16 **INTERNATIONAL MATERIALS PROTECTION,**
17 **CONTROL, AND ACCOUNTING PROGRAM OF**
18 **THE DEPARTMENT OF ENERGY.**

19 Section 3156(b)(1) of the Bob Stump National De-
20 fense Authorization Act for Fiscal Year 2003 (Public Law
21 107–314; 50 U.S.C. 2343(b)(1)) is amended by striking
22 “January 1, 2013” and inserting “January 1, 2018”.

1 **SEC. 3120. EXTENSION OF DEADLINE FOR TRANSFER OF**
2 **PARCELS OF LAND TO BE CONVEYED TO LOS**
3 **ALAMOS COUNTY, NEW MEXICO, AND HELD IN**
4 **TRUST FOR THE PUEBLO OF SAN ILDEFONSO.**

5 (a) ENVIRONMENTAL RESTORATION.—If the Sec-
6 retary of Energy determines under any authority pre-
7 viously established by law that a parcel of land described
8 in subsection (c) requires environmental restoration or re-
9 mediation, the Secretary shall, to the maximum extent
10 practicable, complete the environmental restoration or re-
11 mediation of the parcel not later than September 30,
12 2022, and otherwise in compliance with such law.

13 (b) CONVEYANCE OR TRANSFER.—If the Secretary
14 determines under any authority previously established by
15 law that environmental restoration or remediation cannot
16 reasonably be expected to be completed with respect to a
17 parcel of land described in subsection (c) by September
18 30, 2022, the Secretary shall not convey or transfer the
19 parcel of land.

20 (c) PARCELS OF LAND.—A parcel of land described
21 in this subsection is a parcel of land under the jurisdiction
22 or administrative control of the Secretary at or in the vi-
23 cinity of Los Alamos National Laboratory that the Sec-
24 retary has previously identified as suitable for conveyance
25 or transfer in a report submitted to the congressional de-

1 fense committees prior to the date of the enactment of
2 this Act.

3 **SEC. 3121. REPEAL OF SUNSET PROVISION FOR MODIFICA-**
4 **TION OF MINOR CONSTRUCTION THRESHOLD**
5 **FOR PLANT PROJECTS.**

6 (a) MINOR CONSTRUCTION THRESHOLD.—Para-
7 graph (3) of section 4701 of the Atomic Energy Defense
8 Act (50 U.S.C. 2741(3)), as amended by section 3118(b)
9 of the National Defense Authorization Act for Fiscal Year
10 2010 (Public Law 111–84; 123 Stat. 2709), is amended
11 by striking “\$5,000,000” and inserting “\$10,000,000”.

12 (b) NOTIFICATION.—Section 3118(c) of the National
13 Defense Authorization Act for Fiscal Year 2010 (Public
14 Law 111–84; 123 Stat. 2709) is amended by striking
15 “during fiscal year 2010”.

16 **SEC. 3122. ENHANCING PRIVATE-SECTOR EMPLOYMENT**
17 **THROUGH COOPERATIVE RESEARCH AND DE-**
18 **VELOPMENT ACTIVITIES.**

19 (a) IN GENERAL.—The Administrator for Nuclear
20 Security shall encourage cooperative research and develop-
21 ment activities at the national security laboratories (as de-
22 fined in section 3281 of the National Nuclear Security Ad-
23 ministration Act (50 U.S.C. 2471)) that lead to the cre-
24 ation of new private-sector employment opportunities.

1 (b) REPORTS.—Not later than January 31 of each
2 year from 2012 through 2017, the Administrator shall
3 submit to Congress a report detailing the number of new
4 private-sector employment opportunities created as a re-
5 sult of the previous years' cooperative research and devel-
6 opment activities at each national security laboratory.

7 **SEC. 3123. LIMITATION ON USE OF FUNDS FOR ESTABLISH-**
8 **MENT OF CENTERS OF EXCELLENCE IN**
9 **COUNTRIES OUTSIDE OF THE FORMER SO-**
10 **VIET UNION.**

11 Not more than \$500,000 of the funds authorized to
12 be appropriated by section 3101(a)(2) for defense nuclear
13 nonproliferation activities may be obligated or expended
14 to establish a center of excellence in a country that is not
15 a state of the former Soviet Union until the date that is
16 15 days after the date on which the Administrator for Nu-
17 clear Security submits to the congressional defense com-
18 mittees a report that includes the following:

19 (1) An identification of the country in which
20 the center will be located.

21 (2) A description of the purpose for which the
22 center will be established.

23 (3) The agreement under which the center will
24 operate.

25 (4) A funding plan for the center, including—

1 (A) the amount of funds to be provided by
2 the government of the country in which the cen-
3 ter will be located; and

4 (B) the percentage of the total cost of es-
5 tablishing and operating the center the funds
6 described in subparagraph (A) will cover.

7 **SEC. 3124. DEPARTMENT OF ENERGY ENERGY PARKS PRO-**
8 **GRAM.**

9 (a) IN GENERAL.—The Secretary of Energy may es-
10 tablish a program to permit the establishment of energy
11 parks on former defense nuclear facilities.

12 (b) OBJECTIVES.—The objectives for establishing en-
13 ergy parks pursuant to subsection (a) are the following:

14 (1) To provide locations to carry out a broad
15 range of projects relating to the development and de-
16 ployment of energy technologies and related ad-
17 vanced manufacturing technologies.

18 (2) To provide locations for the implementation
19 of pilot programs and demonstration projects for
20 new and developing energy technologies and related
21 advanced manufacturing technologies.

22 (3) To set a national example for the develop-
23 ment and deployment of energy technologies and re-
24 lated advanced manufacturing technologies in a

1 manner that will promote energy security, energy
2 sector employment, and energy independence.

3 (4) To create a business environment that en-
4 courages collaboration and interaction between the
5 public and private sectors.

6 (c) CONSULTATION.—In establishing an energy park
7 pursuant to subsection (a), the Secretary shall consult
8 with—

9 (1) the local government with jurisdiction over
10 the land on which the energy park will be located;

11 (2) the local governments of adjacent areas;
12 and

13 (3) any community reuse organization recog-
14 nized by the Secretary at the former defense nuclear
15 facility on which the energy park will be located.

16 (d) REPORT REQUIRED.—Not later than 120 days
17 after the date of the enactment of this Act, the Secretary
18 shall submit to the Committee on Armed Services of the
19 Senate and the Committee on Armed Services of the
20 House of Representatives a report on the implementation
21 of the program under subsection (a). The report shall in-
22 clude such recommendations for additional legislative ac-
23 tions as the Secretary considers appropriate to facilitate
24 the development of energy parks on former defense nu-
25 clear facilities.

1 (e) DEFENSE NUCLEAR FACILITY DEFINED.—In
2 this section, the term “defense nuclear facility” has the
3 meaning given the term “Department of Energy defense
4 nuclear facility” in section 318 of the Atomic Energy Act
5 of 1954 (42 U.S.C. 2286g).

6 **Subtitle C—Reports**

7 **SEC. 3131. REPORT ON GRADED SECURITY PROTECTION** 8 **POLICY.**

9 (a) REPORT.—Not later than February 1, 2011, the
10 Secretary of Energy shall submit to the congressional de-
11 fense committees a report on the implementation of the
12 graded security protection policy of the Department of En-
13 ergy.

14 (b) MATTERS INCLUDED.—The report under sub-
15 section (a) shall include the following:

16 (1) A comprehensive plan and schedule (includ-
17 ing any benchmarks, milestones, or other deadlines)
18 for implementing the graded security protection pol-
19 icy.

20 (2) An explanation of the current status of the
21 graded security protection policy for each site with
22 respect to the comprehensive plan under paragraph
23 (1).

24 (3) An explanation of the Secretary’s objective
25 end-state for implementation of the graded security

1 protection policy (such end-state explanation shall
2 include supporting justification and rationale to en-
3 sure that robust and adaptive security measures
4 meet the graded security protection policy require-
5 ments).

6 (4) Identification of each site that has received
7 an exception or waiver to the graded security protec-
8 tion policy, including the justification for each such
9 exception or waiver.

10 (5) A schedule for “force-on-force” exercises
11 that the Secretary considers necessary to maintain
12 operational readiness.

13 (6) A description of a program that will provide
14 proper training and equipping of personnel to a cer-
15 tifiable standard.

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

19 **TITLE XXXII—DEFENSE NU-**
20 **CLEAR FACILITIES SAFETY**
21 **BOARD**

Sec. 3201. Authorization.

22 **SEC. 3201. AUTHORIZATION.**

23 There are authorized to be appropriated for fiscal
24 year 2011, \$28,640,000 for the operation of the Defense

1 Nuclear Facilities Safety Board under chapter 21 of the
 2 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

3 **TITLE XXXIV—NAVAL**
 4 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

5 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AMOUNT.—There are hereby authorized to be ap-
 7 propriated to the Secretary of Energy \$23,614,000 for fis-
 8 cal year 2011 for the purpose of carrying out activities
 9 under chapter 641 of title 10, United States Code, relating
 10 to the naval petroleum reserves.

11 (b) PERIOD OF AVAILABILITY.—Funds appropriated
 12 pursuant to the authorization of appropriations in sub-
 13 section (a) shall remain available until expended.

14 **TITLE XXXV—MARITIME**
 15 **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.

16 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
 17 **TIONAL SECURITY ASPECTS OF THE MER-**
 18 **CHANT MARINE FOR FISCAL YEAR 2011.**

19 Funds are hereby authorized to be appropriated for
 20 fiscal year 2011, to be available without fiscal year limita-
 21 tion if so provided in appropriations Acts, for the use of

1 the Department of Transportation for Maritime Adminis-
2 tration programs associated with maintaining national se-
3 curity aspects of the merchant marine, as follows:

4 (1) For expenses necessary for operations of the
5 United States Merchant Marine Academy,
6 \$100,020,000, of which—

7 (A) \$63,120,000 shall remain available
8 until expended for Academy operations;

9 (B) \$6,000,000 shall remain available until
10 expended for refunds to Academy midshipmen
11 for improperly charged fees; and

12 (C) \$30,900,000 shall remain available
13 until expended for capital improvements at the
14 Academy.

15 (2) For expenses necessary to support the State
16 maritime academies, \$15,007,000, of which—

17 (A) \$2,000,000 shall remain available until
18 expended for student incentive payments;

19 (B) \$2,000,000 shall remain available until
20 expended for direct payments to such acad-
21 emies; and

22 (C) \$11,007,000 shall remain available
23 until expended for maintenance and repair of
24 State maritime academy training vessels.

1 (3) For expenses necessary to dispose of vessels
2 in the National Defense Reserve Fleet, \$10,000,000.

3 (4) For expenses to maintain and preserve a
4 United States-flag merchant marine to serve the na-
5 tional security needs of the United States under
6 chapter 531 of title 46, United States Code,
7 \$174,000,000.

8 (5) For the cost (as defined in section 502(5)
9 of the Federal Credit Reform Act of 1990 (2 U.S.C.
10 661a(5)) of loan guarantees under the program au-
11 thorized by chapter 537 of title 46, United States
12 Code, \$60,000,000, of which \$3,688,000 shall re-
13 main available until expended for administrative ex-
14 penses of the program.

15 **SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PRO-**
16 **GRAM.**

17 Chapter 531 of title 46, United States Code, is
18 amended—

19 (1) in section 53104(a), by striking “2015” and
20 inserting “2025”;

21 (2) in section 53106(a)(1)(C), by striking “for
22 each fiscal years 2012, 2013, 2014, and 2015” and
23 inserting “for each of fiscal years 2012 though
24 2025”; and

1 (3) in section 53111(3), by striking “2015” and
2 inserting “2025”.

3 **SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY**
4 **NOMINATIONS OF RESIDENTS OF THE**
5 **NORTHERN MARIANA ISLANDS.**

6 Section 51302(b) of title 46, United States Code, is
7 amended—

8 (1) in paragraph (3), by inserting “the North-
9 ern Mariana Islands,” after “Guam,”; and

10 (2) by striking paragraph (5) and redesignating
11 paragraph (6) as paragraph (5).

12 **SEC. 3504. RESEARCH AUTHORITY.**

13 Section 51301 title 46, United States Code, is
14 amended—

15 (1) by inserting “as an institution of higher
16 education” after “Academy”; and

17 (2) by striking “States.” and inserting “States,
18 to conduct research with respect to maritime-related
19 matters, and to provide such other appropriate aca-
20 demic support, assistance, training, and activities in

1 accordance with the provisions of this chapter as the
2 Secretary may authorize.”.

 Passed the House of Representatives December 17,
2010.

Attest:

Clerk.

111TH CONGRESS
2^D SESSION

H. R. 6523

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.