

Ike Skelton National Defense Authorization Act for Fiscal Year 2011

[Public Law 111–383]

[As Amended Through P.L. 114–92, Enacted November 25, 2015]

【Currency: This publication is a compilation of the text of Public Law 111–383. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

SECTION 1. SHORT TITLE

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

(b) 【5 U.S.C. 9902 note】 **REFERENCES.**—Any reference in this or any other Act to the “National Defense Authorization Act for Fiscal Year 2011” shall be deemed to refer to the “Ike Skelton National Defense Authorization Act for Fiscal Year 2011”.

* * * * *

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

* * * * *

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

* * * * *

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

* * * * *

SEC. 1216. AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) **AUTHORITY.**—The Secretary of Defense, with the concurrence of the Secretary of State, may utilize not more than \$5,000,000 from funds made available to the Department of Defense for operation and maintenance for fiscal year 2015 to support the reintegration into Afghan society of those individuals who pledge—

- (1) to cease all support for the insurgency in Afghanistan;
- (2) to live in accordance with the Constitution of Afghanistan;
- (3) to cease violence against the Government of Afghanistan and its international partners; and
- (4) that they do not have material ties to al Qaeda or affiliated transnational terrorist organizations.

(b) **SUBMISSION OF GUIDANCE.**—

(1) **INITIAL SUBMISSION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary or the Secretary's designee concerning the allocation of funds utilizing the authority of subsection (a). Such guidance shall include—

(A) mechanisms for coordination with the Government of Afghanistan and other United States Government departments and agencies as appropriate; and

(B) mechanisms to track rates of recidivism among individuals described in subsection (a).

(2) **MODIFICATIONS.**—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary of Defense shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which such modification is made.

(c) **REPORTS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on activities carried out utilizing the authority of subsection (a).

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees; and
- (2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(e) **EXPIRATION.**—The authority to utilize funds under subsection (a) shall expire at the close of December 31, 2015.

* * * * *

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

* * * * *

Subtitle C—Limitations and Other Matters

* * * * *

SEC. 1535. TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN AND ECONOMIC TRANSITION PLAN AND ECONOMIC STRATEGY FOR AFGHANISTAN.

(a) PROJECTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.—

(1) IN GENERAL.—The Task Force for Business and Stability Operations in Afghanistan may carry out projects to assist the commander of United States Forces-Afghanistan and the Ambassador of the United States Mission in Afghanistan to reduce violence, enhance stability, and support economic normalcy in Afghanistan through strategic business and economic activities.

(2) DIRECTION, CONTROL, AND CONCURRENCE.—A project carried out under paragraph (1) shall be subject to—

(A) the direction and control of the Secretary of Defense; and

(B) the concurrence of the Secretary of State.

(3) SCOPE OF PROJECTS.—The projects carried out under paragraph (1) may include projects that facilitate private investment, mining sector development, industrial development, and other projects determined by the Secretary of Defense, with the concurrence of the Secretary of State, as strengthening stability or providing strategic support to the counterinsurgency campaign in Afghanistan. To the maximum extent possible, the activities of the Task Force for Business and Stability Operations in Afghanistan should complement other reconstruction or development activities in Afghanistan conducted by the United States.

(4) FUNDING.—

(A) IN GENERAL.—The Secretary may use funds available for overseas contingency operations for operation and maintenance for the Army for additional activities to carry out projects under paragraph (1).

(B) LIMITATION.—The amount of funds obligated under the authority of subparagraph (A)—

(i) may not exceed \$150,000,000 for fiscal year 2012, except that not more than 50 percent of such amount of funds may be obligated until the Secretary of Defense submits to the appropriate congressional committees the plan required by subsection (b);

(ii) may not exceed \$93,000,000 for fiscal year 2013, except that not more than \$50,000,000 of such amount of funds may be obligated until the Secretary

of Defense submits to the appropriate congressional committees the report required by paragraph (7) of this subsection; and

(iii) may not exceed \$63,800,000 for fiscal year 2014.

(C) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2014.— None of the funds available for fiscal year 2014 pursuant to subparagraph (B)(iii) may be obligated to assist the Government of Afghanistan in the purchase of equipment, supplies, or materials for mining and oil and gas resources during fiscal year 2014 or the installation of such equipment, supplies, or materials, until the date on which the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Government of Afghanistan has agreed to reimburse the Government of the United States for the amount of any such funds, from royalties received from mining or oil and gas contracts awarded by the Government of Afghanistan.

(D) AVAILABILITY OF FUNDS ACROSS FISCAL YEARS.— The funds shall be available for projects under paragraph (1) that begin in one fiscal year and end in the following fiscal year.

(5) PROHIBITION ON USE OF CERTAIN FUNDS.—Funds provided for the Commanders' Emergency Response Program may not be utilized to support or carry out projects of the Task Force for Business and Stability Operations.

【Paragraph (6) was repealed by section 1079(c) of Public Law 114-92.】

(7) REPORT ON IMPLEMENTATION OF TRANSITION ACTION PLAN.—

(A) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the progress in implementing the Transition Action Plan of the Task Force for Business and Stability Operations in Afghanistan.

(B) UPDATES.—The Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees an update of the report required by subparagraph (A) every 180 days after the submission of such report.

(8) EXPIRATION OF AUTHORITY.—The authority to obligate funds for projects under paragraph (1) shall expire on December 31, 2014.

(b) PLAN FOR TRANSITION OF TASK FORCE ACTIVITIES TO AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) PLAN REQUIRED.— The Secretary of Defense, the Administrator of the Agency for International Development, and the Secretary of State shall jointly develop a plan to transition the activities of the Task Force for Business and Stability Operations in Afghanistan to the Department of State.

(2) ELEMENTS OF PLAN.—The plan shall describe at a minimum the following:

(A) The activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011.

(B) Those activities that the Task Force for Business and Stability Operations in Afghanistan carried out in fiscal year 2011 that the Agency for International Development will continue in fiscal year 2012, including those activities that, rather than explicitly continued, may be merged with similar efforts carried out by the Agency for International Development.

(C) Any activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011 that the Agency for International Development will not continue and the reasons that such activities shall not be continued.

(D) Those actions that may be necessary to transition activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011 and that will be continued by the Agency for International Development in fiscal year 2012 from the Department of Defense to the Agency for International Development.

(3) REPORT REQUIRED.—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2012, the Secretary of Defense shall submit the plan to the appropriate congressional committees.

(c) REPORT ON ECONOMIC STRATEGY FOR AFGHANISTAN.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of State and the Secretary of Defense, shall submit to the appropriate congressional committees a report on an economic strategy for Afghanistan that—

(A) supports the United States counterinsurgency campaign in Afghanistan;

(B) promotes economic stabilization in Afghanistan, consistent with a longer-term development plan for Afghanistan; and

(C) enhances the establishment of sustainable institutions in Afghanistan.

(2) ELEMENTS.—The report shall include the following:

(A) An identification of the sectors within the Afghanistan economy that offer the greatest economic opportunities to support the purposes of the economic strategy for Afghanistan set forth under paragraph (1).

(B) An assessment of the capabilities of the Government of Afghanistan to increase revenue generation to meet its own operational and developmental costs in the short-term, medium-term, and long-term.

(C) An assessment of the infrastructure (water, power, rail, road) required to underpin economic development in Afghanistan.

(D) A description of the potential role in the economic strategy for Afghanistan of each of the following:

(i) Private sector investment, including investment by and through the Overseas Private Investment Corporation.

(ii) Efforts to promote public-private partnerships.

(iii) National Priority Programs of the Government of Afghanistan, including the Afghanistan National Solidarity Program, and public works projects.

(iv) International financial institutions, including the International Bank for Reconstruction and Development and the Asian Development Bank.

(v) Efforts to promote trade, including efforts by and through the Export-Import Bank of the United States.

(vi) Department of Defense policies to promote economic stabilization and development, including the Afghanistan First procurement policy and efforts by the Department to enhance transportation, electrification, and communications networks both within Afghanistan and between Afghanistan and neighboring countries.

(E) An evaluation of the regional dimension of an economic strategy for Afghanistan, including a description of economic areas suitable for regional collaboration and a prioritization among such areas for attention under the strategy.

(F) A timeline and milestones for activities that can promote economic stabilization, development, and sustainability in Afghanistan in the short-term, medium-term, and long-term.

(G) Metrics for assessing progress under the economic strategy for Afghanistan.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.