NATIONAL SECURITY STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ANDREWS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:


BARACK OBAMA.


GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, regarding H.R. 5136, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in which to insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REQUEST TO EXTEND TIME FOR DEBATE ON AMENDMENT NO. 79

Mr. McKEON. Mr. Speaker, I ask unanimous consent that the time for debate on amendment No. 79 offered by the gentleman from California be extended, for 30 minutes.

The SPEAKER pro tempore. Pursuant to the rule, the request is granted.

The Chair recognizes the gentleman from Missouri.

MR. MCKEON. Mr. Speaker, I ask unanimous consent that the time for debate on amendment No. 79 offered by the gentleman from Pennsylvania (Mr. MURPHY) be extended by 60 minutes equally divided between the proponent and opponent.

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first increment of construction necessary to modernize Department of Defense schools. There is 13.6 billion for training of an all active-duty Reserve force to increase readiness; an increase of $500 million for day-to-day operations of Army bases, which is a direct impact on our soldiers and their families. All it also included an increase of $700 million above the administration’s budget to address the equipment shortfalls on National Guard and Reserve units.

The war in Afghanistan is a critical mission that is essential to our national security. To ensure that our strategies in both Iraq and Afghanistan are effective and achieve the intended goals within well-defined timelines, the bill requires the President to assess U.S. efforts and regularly report on progress, including providing timelines by which he plans to achieve his goals.

It also extends the authorization of the Pakistan Counterinsurgency Fund through fiscal year 2011 to allow command to help Pakistan quickly and more effectively go after terrorist safe havens. The bill also provides $1.6 billion for Coalition Support Funds to reimburse nations that are providing logistical, military, and other support to our troops in Iraq and Afghanistan.

On Iraq, the bill upholds Congress’s responsibility to provide oversight to the process of drawing down the mountain of material purchased, transported, and built up in Iraq at tremendous expense to the taxpayer.

In the area of nonproliferation, the bill continues our focus on keeping weapons of mass destruction and related materials out of the hands of terrorists and strengthens our nonproliferation programs and activities. The bill increases funding for the Department of Energy’s nonproliferation programs and adds funding to continue the administration’s plan to secure and remove all known vulnerable nuclear materials that could be used for weapons.

There are other good things in this bill, which my colleagues will cover.

I want to recognize the members of the Armed Services Committee for their contributions in making this bill one of the best that the committee has put forward in recent years.

I also, Mr. Chair, want to brag about the wonderful staff that we have on the Armed Services Committee. They make it all work well.

Mr. Chair, our committee has been and will continue to be strong proponents of our Nation’s security and the people that it defends. We will continue to do what is right and necessary to ensure that our country is safe and secure. We must continue to work with the President to ensure that our citizens are safe and our Nation’s security is paramount.

I urge my colleagues to support our troops and their families and vote for the details in this bill.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as legislators, we meet once again to address the wide range of important national security activities undertaken by the Department of Defense and the Department of Energy. We all take our legislative responsibilities very seriously. This is especially true during a time of war. And it’s always true of my good friend and colleague, our Armed Services Committee chairman, Ike SKELTON.

As a result of Chairman SKELTON’s tireless efforts to put forward this bill, our committee considered the National Defense Authorization Act for Fiscal Year 2011 last Wednesday. The vote was unanimous, 59-0. Consistent with the longstanding bipartisan practice of the Armed Services Committee, this bill reflects our committee’s continued strong support for the brave men and women of the United States Armed Forces.

The defense authorization bill authorizes $567 billion in budget authority for the Defense Department, which is 5.3 percent above the President’s budget request and reflects the bipartisan belief that keeping our country secure. We must continue to provide for the means to support operations in Iraq, Afghanistan, and elsewhere in the global war on terrorism.

This bill does an admirable job in dealing with some of our greatest national security challenges. Addressing the wars in Iraq, the Administration has moved forward in the global war on terrorism. With respect to Afghanistan, this bill updates reporting requirements, including asking for the conditions and criteria that will be used to measure progress, instead of allowing the ticking Washington political clock to determine our end state.

I am very pleased that the chairman and our colleagues on the committee joined us in ensuring that lifesaving combat enablers such as force protection, medical care, and intelligence, surveillance, and reconnaissance capabilities are deployed in time to fully support the 30,000 additional troops scheduled to arrive in Afghanistan by this summer.

Building on the Acquisition Reform Act this body passed in April, this legislation takes a number of important steps on major weapons programs. We strongly believe that a $110 billion non-competitive, sole source, 25-year contract should not be permitted. Therefore, we strongly support the inclusion of funding to complete development of the F-356 competitive engine for the Joint Strike Fighter.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make and have made to protect our freedom. We are pleased that this legislation includes a pay raise which is half a percentage point above the President’s request.

A major disappointment is that once again the committee and House leadership were unable to find the mandatory spending offsets needed to eliminate the widow’s tax, a tax that occurs because survivors must forfeit most or all of their Survivor Benefit Plan annuity to receive Dependency and Indemnity Compensation. Nor were we able to put forward in the current bill the military disability retired pay and VA disability pay, as proposed by the President. I know that Chairman SKELTON has attempted to find the offsets, but so far, despite this House approving the troops, the Senate inability to find an offset, this body has been unable or unwilling to find the means to support widows and disabled veterans.

One of the areas where there is disagreement between the aisles is the necessity for a policy to keep terrorists off our soil, not fight to get them here. We are disappointed that the bill does not prohibit the transfer of Guantanamo Bay detainees to U.S. soil.

Firstly, for the record, I have asked our men and women of the Armed Forces and their families to make repeated sacrifices while serving this Nation. They have unhesitatingly and selflessly responded in a magnifico manner, without putting mission and Nation ahead of self and family. Now the proponents of repealing Don’t Ask, Don’t Tell want to rush a vote to the floor that disrupts the process that was put in place earlier this year to give the troops the opportunity to make their view known on this most important issue.

After making the continuous sacrifice of fighting two wars over the course of 8 years, the men and women of our military deserve to be heard. Congress acting first is the equivalent to turning our men and women in uniform and their families and saying your opinion, your views do not count.

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General Schwartz, the Air Force Chief of Staff, wrote, ‘I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the Don’t Ask, Don’t Tell law. Such action sends an important signal to our airmen and families that their opinion matters.’

General Casey, the Army Chief of Staff, writes, ‘I believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.’ Similar views are expressed by Admiral Roughead and General Conway.

Mr. Chairman, I planned on addressing this matter in detail when we debate Mr. MURPHY’s amendment. Unfortunately, the leadership deemed this debate, this issue so critical to the morale and welfare of our military worthy of only 10 minutes of debate. Ten minutes. The repeal of Don’t Ask, Don’t
Tell will get as much time for debate today as the manager’s amendment. This is an outrage. I’d like to make one last point. If this body were to adopt Mr. MURPHY’s amendment, then this House would breach the trust of 2.5 million men and women in uniform and their families by saying to them that their voices don’t count. We owe our military personnel better.

In closing this House the time it needs to hear from our military forces through the process that was set up earlier this year, and their families, before we make a decision, I would encourage Members to vote against the Don’t Ask, Don’t Tell compromise and against final passage if my Democratic colleagues refuse to wait to hear from our troops.

As in years past, I believe that this legislation reflects many of the Armed Services Committee’s priorities in supporting our Nation’s dedicated and courageous servicemembers. I thank Chairman SKELTON for putting together an excellent bill and helping us to stay focused on delivering a bill that protects, supports, and builds our forces. I support H.R. 5136 as passed by the House Armed Services Committee.

We never, in the committee, in our markup, we never held a full committee hearing on Don’t Ask, Don’t Tell. Of the effort included it or discussed it in our debate in the Armed Services Committee.

I look forward to working with my colleagues to improve H.R. 5136.

SECRETARY OF DEFENSE

Hon. Ike SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the so-called ‘Don’t Ask Don’t Tell’ (DA/DT) law to be repealed, and should this law change, the Air Force will implement statute and policy faithfully. However, as I testified to you and the HAASC at the AF Posture hearing on 23 February 2010, it remains that DOD should conduct a review that carefully investigates and evaluates the facts and circumstances, the potential implications, the possible complications, and potential mitigations to repealing this law.

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the DA/DT law. Such action allows me to provide the best advice and line of least resistance, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would send a signal that all relevant factors are assessed, digested and understood.

Sincerely,

NORTON A. SCHWARTZ,
General, USAF,
Chief of Staff.

May 26, 2010.

Hon. John Mccain,
Ranking Member, Committee on Armed Services,
U.S. Senate, Washington, DC.

Dear Senator McCain:

During testimony, I spoke of the confidence I had as a Service Chief in the DoD Working Group that Secretary Gates laid out in the wake of President Obama’s guidance on “Don’t Ask—Don’t Tell.” I felt that an organized and systematic approach on such an important issue was precisely the way to develop “best military advice” for the Service Chiefs to offer the President.

Further, the value of surveying the thoughts of Marine Airmen and Sailors to question whether their input matters. To do otherwise, in my view, would be presumptive and would send a signal that all relevant factors are assessed, digested and understood.

I encourage the Congress to let the process the Secretary of Defense created to run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great Nation.

Very Respectfully,

Robert M. Gates,
Secretary of Defense.

U.S. Army,
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Hon. Howard P. “Buck” McKeon,
House of Representatives,
Washington, DC.

Mr. Chairman: As a follow-up to our public hearing today, the following represents my personal views about the proposed amendment concerning section 654 of title 10, United States Code.

I testified in February about the importance of the comprehensive review that began in March and is now well underway within the Department of Defense. We need this review to fully assess our force and carefully examine potential impacts of a change in the law. I have spoken with Sailors and fellow colleagues alike about the importance of conducting the review in a thoughtful and deliberate manner. Our Sailors and their families need to clearly understand that their voices will be heard as part of the review process, and I need their input to develop and provide my best military advice.

I share the view of Secretary Gates that the best approach would be to complete the DOD review before there is any legislation to change the law. My concern is that legislative changes at this point, regardless of the precise language used, will send a confusing signal on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters. Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

Sincerely,

George W. Casey, Jr.,
General, United States Army.

I reserve the balance of my time.

Mr. Chairman: I yield 3 minutes to my friend, my colleague, the distinguished chairman of the Subcommitte on Air and Land Forces, the gentleman from Washington (Mr. SMITH).

I (Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. Mr. Chairman, I rise in strong support of the National Defense Authorization Act for 2011.

I want to first thank the chairman of the committee, Mr. SKELTON, for his outstanding leadership of this committee. He has once again put together a bill that reflects the priorities that shape our nation’s place for national defense: first and foremost, support our troops. I know nobody on that committee cares more about that issue than Mr. SKELTON. He has once again made sure that this bill reflects that. It gives them a higher pay raise than was recommended by the Department of Defense and, across the board, makes sure that our troops and our families get the support they need to continue to do the amazing job that they are doing of defending this country. It is a great privilege to serve on a committee with Mr. SKELTON and with Mr. McKEON and have the responsibility for supporting our troops who have
served us so well. I thank him for his great leadership and for this bill.

On the Air and Land Subcommittee, I want to thank Mr. BARTLETT, the ranking member on the committee. We have truly worked together in a very bipartisan fashion on this bill. That’s one of the things I love about the Armed Services Committee. We have a lot that we disagree on on a partisan basis in this body, but on the Armed Services Committee we work in a bipartisan way to make sure that we have a bill that protects our national security and supports our troops. And Mr. BARTLETT certainly upholds that standard, and it’s been a great pleasure working with him.

On our subcommittee, our top priority is to support our soldiers and airmen in the fight they are now fighting in Iraq and Afghanistan. We want to make sure that they have the equipment they need to fulfill the mission that we have asked them to do. Towards that end, we have $3.9 billion in the bill to upgrade and improve our helicopters, which are so critical to the mission that they are fighting; $3.4 billion to fully fund the MRAP, the Mine Resistant Ambush Protected vehicles that have done an amazing job at improving the survivability of our troops when hit by IEDs; $3.4 billion for the JIEDDO account, which continues to find more and better ways to protect our troops from improvised explosive devices; $3.7 billion to fund intelligence, surveillance, and reconnaissance, which is critical to make sure that our troops get the information they need when they need it to be in the best position to protect themselves on the battlefield; a billion dollars for new Strykers, a vehicle that has been critical for our combat infantry brigades and their ability to be maneuverable enough to survive in the fight.

We are making sure in this bill that our troops in the field get the equipment they need to fulfill the mission we have asked them to do. We also set aside an additional $700 million in this bill for the Army and Air Force Guard and Reserve equipment accounts. As we all know, Guard and Reserve members have been asked to do far more than they ever have in the history of this country. They are stressed and strained, and their equipment is being used at a far greater pace than anyone anticipated. We want to make sure that they have the funds available to replenish that equipment and make sure that they get the training they need so that they are able to do the job here in the U.S. we ask them to do, and also the job that we ask them to do in Afghanistan and Iraq.

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We are also concerned in this bill and continue to be concerned about our procurement and acquisition process. We support the need to fulfill the mission, but we have a fair number of programs, certainly the Joint Strike Fighter, future combat systems that have not delivered on time and on budget. We have to make sure that we get every penny that we spend, and it is spent efficiently and effectively. We need to continue to work to make sure the programs that we procure meet that standard.

That is why I, too, along with Mr. MCKEON, am strongly supportive of the second engine program. And it has been our committee’s position for a long time to support that program. We believe that it is an efficient use of taxpayer dollars.

So I thank you, Mr. Chairman, again for your great leadership. I believe this bill gives us a very strong national security.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT). He’s the ranking member on the Air and Land Subcommittee of the committee.

Mr. BARTLETT. I would like to thank our Armed Forces Committee Chairman SKELTON, Ranking Member MCKEON, Committee chair SMITH, and all of our colleagues for their contributions to this Defense Authorization Bill.

This bill was voted out of committee by unanimous vote because it maintains our objectives of balancing the health and capability of the current force with the needs of future capability. And I also want to thank, really thank the staff for their professionalism, dedication, and extraordinary hard work this year.

As an engineer with 20 patents, 20 years of experience with military R&D programs, and 17 years in the Armed Services Committee, I can assure you that the Defense Department’s own data provides the proof that Congress must continue to approve the alternative engine for the Joint Strike Fighter which will ultimately lead 95 percent of all of flying aircraft. The competition is crucial for our national security and that of our allies because the original engine awarded under a noncompetitive contract is 21 months behind schedule, and according to GAO is estimated to be $2 billion over budget. That’s a 52 percent increase and one of the main reasons with redundancy the committee overwhelmingly supports continued funding of the competitive engine.

The Department asked Congress to permit the issue of a sole-source contract for over $100 billion for thousands of engines over the life of this program. I owe it to the American people and our warfighters to object to something this irresponsible.

And, Mr. Chairman, I urge support of H.R. 5136 as approved unanimously by the Armed Service Committee, but a vote for the Don’t Ask, Don’t Tell amendment abdicates our Constitutional authority over military policy and gives this authority to the President and unelected executive branch leaders. Congress has yielded far too much of its Constitutional authority to the executive and judiciary. Therefore, if this amendment passes, I cannot support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my colleague, my friend from Texas (Mr. ORTIZ), the distinguished chairman of the Subcommittee on Space, Science and Competitiveness.

Mr. ORTIZ. Thank you, Mr. Chairman. First, let me thank you for your leadership that you bring to the committee and being able to get the committee to work together. Mr. Mckion and Mr. Bartlett.

I rise in support of H.R. 5136, the National Defense Authorization Act for fiscal year 2011. The bill before us today continues efforts begun last year to address readiness shortfalls.

It supports the President’s request for increased training funding for all of the active duty forces and provides funding to continue reset of equipment damaged or worn out through 9 years of continuous combat operations. The bill provides $21 billion for military construction and $168 billion for operation and maintenance, a $12 billion increase in O&M. This funding is needed over the amount authorized last year in the defense budget.

The budgetary risk to readiness in areas where the services identified shortfalls, the bill includes additional funding for Navy ship depot maintenance; Army Reserve depot maintenance; contract and performance management; Army operating services and trainee barracks construction; Guard and Reserve construction; energy conservation and renewable energy projects; and day-to-day facilities maintenance and repair.

Our combatant commanders should not have to wait years to have the right infrastructure to support wartime operations. This bill provides the tools that the Department needs to ensure that General Petraeus has the right infrastructure at the right location at the right time.

The bill also supports the Readiness and Environmental Protection Initiative, which ensures the long-term viability of military testing and training ranges by protecting them from encroachment.

The bill provides provisions related to benefits for DOD civilians who are deployed to combat zones. These provisions are very important because Federal civilian employees are increasingly providing important support in contingency operations.

The bill supports the President’s request for a much-needed reinvestment in Army training and readiness. Increases in funding for all Army components, along with a reassessment from Iraq, should begin to put the Army on a path to restoring its readiness posture.

The bill sustains the Navy’s course correction of flying-hour funding to meet operational requirements. To ensure the sea services can attain fleet air training goals, the bill includes $185 million in additional funding for naval
training and aircraft depot maintenance.

The bill contains additional funding for Air Force accounts critical to supporting emergent missions and taking care of an aging aircraft fleet.

Mr. Chairman, I yield the gentleman from Missouri (Mr. Akin), the ranking member of the Seapower Subcommittee.

Mr. Akin. Mr. Chairman, I rise in support of H.R. 5136—that's the National Defense Authorization Act—which we have before us at this time, and it was approved unanimously by Republicans and Democrats on the House Armed Services Committee. And we believe overall a proper balance has been struck on this bill.

I was personally concerned about some problems with our missile defense system, but I made several amendments, as a little mistake in information from the administration on these programs. Those were adopted.

In addition, we were concerned about the department's assessment even in the most rosy scenario that we are short on strike fighters. And I was pleased to see we could add some additional F-18s to the budget at least, in a small way, mitigate that particular problem.

I would be remiss, though, if I were to stand here and say that everything is well as much as I support this bill, it is possible to mess up any good thing. And the idea of repealing Don't Ask, Don't Tell at the last minute with an amendment that doesn't even come out of our committee, that has, at the most, 10 minutes to debate and has more far-reaching implications for defense than almost any single item in this bill is the height of folly.

Approaching Memorial Day weekend, for us to try to slide this little fellow in, this legal gimmick to some vocal but very small interest group over the interests of our sons and daughters who serve in the service, in spite of the objections of the military leadership, starting with the Secretary of Defense coming down the chain of commanders saying, Give us time to figure out, what does it mean to repeal Don't Ask, Don't Tell.

The current policy says that if you're gay and you want to serve in the military, you don't have to get rid of your sexual orientation. And the idea of repealing Don't Ask, Don't Tell at the last minute with an amendment that doesn't even come out of our committee, that has, at the most, 10 minutes to debate and has more far-reaching implications for defense than almost any single item in this bill is the height of folly.

I ask my colleagues to support it.

Mr. Chairman, I rise in support of the gentleman from Mississippi (Mr. Taylor), who's the chairman of the Seapower and Expeditionary Forces Subcommittee in particular of the Sea Power and Expeditionary Forces section of the bill.

Under the leadership of Chairman Ike SKELTON, the fleet has grown by seven ships since he became chairman to a total of 286. I guess it's in the direction, however slowly, of the 313 ships that CNO wishes to have. It also takes some far-reaching steps one of which is directing the CNO that in the future, in that order to go to the fleet, he may only retire two ships for every three ships we commission. I think this is very important language. This is the third CNO who has said he wanted 313 ships, but instead submitting budgets to Congress that actually shrink their fleet rather than grow it.

So I want to thank Chairman SKELTON for working with us on that, my colleagues, on directive language that actually keeps some of those great vessels that would go to someone else's fleet in our fleet a bit longer.

Specifically the bill takes many steps to continue the work of the world's greatest Navy and the world's greatest Marine Corps. It authorizes the construction of nine battle-force vessels and one auxiliary oceanographic research vessel, along with 214 aircraft for the Navy and Marine Corps.

It authorizes $5.1 billion to construct two littoral combat ships—the first time Congress has ever authorized two Virginia-class submarines; $950 million for the first increment of funding of the Marine Corp's amphibious assault vessel LHA-7; $3 billion to fully fund two littoral combat-subclass destroyers to work off of the Navy's surface fleet and the centerpiece of our Nation's missile defense; $1.5 billion to fully fund two littoral combat ships; $180.7 million to fund one Joint High Speed Vessel for the Navy; $380 million to fully fund the remaining construction costs for the first of the class maritime landing platform vessel for the Marine Corps; $3.3 billion for 30 F-18 Superhornet strike fighters, as well as 12 EA-18 Growler expeditionary electronic-warfare aircraft.

That will make a total of 186 of these fine aircraft built on Chairman SKELTON's watch. $4.1 billion for 20 Navy and Marine Corps F-35 Joint Strike Fighter aircraft; $4.6 billion for 100 Marine Corps rotary-wing aircraft; $559 million for the Maritime Administration of the Department of Transportation, including $100 million for the Merchant Marine Academy.

The bill also authorizes funding for our Overseas Contingency Operations, authorizing $3.4 billion to build the life saving Mine Resistant Vehicles. This is on top of the $16.4 billion under Chairman SKELTON's watch that was allocated in 2007 for a total of 16,000 of these vehicles that have been built as we continue to build 1,000 of them a month to protect our soldiers in Iraq and Afghanistan.

For Marine Corps programs, this bill fully authorizes the $3.1 billion for a request for Marine Corps procurement, with an additional $126 million for unfunded requirements that will protect our Marines.

Mr. Chairman, I fully support the bill as recommended by the committee.

The CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 30 seconds.

Mr. TAYLOR. I also want to thank my colleague Mr. Akin, for all of his help on this and all of the Seapower Subcommittee, and in particular I want to commend our great staff: Mr. Jennex Simler, Captain Will Ebbs, Heath Hope, Jesse Tolleson, and Liz Drummond.

ACTIONS SPEAK LOUDER THAN WORDS

Since 2007, the House Armed Services Committee under Chairman Ike Skelton has continued to grow our nation's air, land and sea forces to address the threats facing the United States from both foreign nations and terrorist organizations. Chairman Skelton's predecessor, Duncan Hunter, deserves credit for leading House Armed Service Committee member's efforts to provide up- armored Humvees, Improvised Explosive Device (IEDs) Jammers, and other initiatives to counter the IED threat in Iraq and Afghanistan.

However, the greatest improvement in the IED effort was the rapid development and fielding of the Mine Resistant Ambush Protected Vehicle IEDs. A first occurred under the leadership of Chairman Ike Skelton. The actions of the Democratic majority speak much louder than words when it comes to our national defense.

The Mississippi National Guard's 155th Heavy Brigade Combat Team returned home to Mississippi in March 2010 after completing their third tour of duty in Iraq. During their deployment there were more than 80 attacks from IEDs without suffering any fatalities or serious injuries compared to the 265 deployment before they suffered 28 fatalities from IED attacks. During their most recent deployment, their unit was equipped with MRAPs. Prior to 2007, the demand for MRAP's was ignored for four straight years by Secretary of Defense, Donald Rumsfeld. The Republican majority in Congress did not protest Secretary Rumsfeld to buy these vehicles as the Pentagon accelerated forward deployed commanders were requesting.

In 2004 military officials in Iraq began requesting MRAPs from the Pentagon to counter the enemy's most successful means of attack—the IED. At the time, 60% of U.S. fatalities in Iraq were the direct result of IED attacks. Secretary Rumsfeld and top leaders at the Pentagon ignored these requests from the forward deployed commanders to make fielding MRAPs a priority. By the end of 2006 the Department of Defense's (DoD) established requirement for MRAPs for the Iraq war effort was an absurdly low amount—4000 vehicles.

Before MRAPs were available in Iraq or Afghanistan, military personnel were protected in up-armored Humvees. The enemy quickly discovered this vehicles vulnerability to under-bottom explosions. Since Secretary Rumsfeld had refused to purchase MRAPs despite the requests coming from the theater of combat, the request of continuing to use up-armored Humvees was unnecessary American casualties. This vehicle is designed with a “V” shaped bottom that provides an effective defense against bottom explod- ing IEDs by forcing the impact of the explosion away from the bottom of the vehicle, unlike the Humvees.

When I became Chairman of the Seapower and Expeditionary Forces Subcommittee in January 2007, under the Democratic majority, the very first hearing I chaired focused on the need to rapidly get MRAPs to
our troops in Iraq, I worked with Chairman Skelton and my colleagues on the Armed Services Committee to provide an additional $15.4 billion in 2007 for procurement, building and testing MRAPs to Iraq. This effort continues today, and we currently have approximately 16,000 MRAPs in Iraq and Afghanistan. We also continue to work with the contractors to ensure the same type of protection as the MRAP but are more suitable for the hazardous terrain and conditions in Afghanistan. There are approximately 2,000 of these vehicles in operational units in Afghanistan, with 6,800 working their way through the pipeline to get to the war zone. We continue to produce about 1,000 of these life saving vehicles a month.

For years the House Armed Services Committee has been concerned over the concurrent and high-risk development of the F-35 Joint Strike Fighter, which in turn, has caused several years delay in its operational fielding. Because of this issue, coupled with the planned F/A-18 production line drawdown, our Naval Air Forces face a significant strike-fighter shortfall peaking over 20 ships in 2017. Realizing this significant issue over the last two years, the committee has added 17 F/A-18s to the Department's request to help mitigate the shortfall. Chief of Naval Operations, Admiral Gary Roughead, under Chairman Skelton's leadership, also included a command language within the FY11 NDAA report stating that "barring a complete reversal of the F-35's PMA, the Committee urges the Navy to continue a production of F/A-18s to prevent our naval airpower from losing significance in our nation's arsenal.

I have made the commitment to my colleagues on the Committee and to Chairman Skelton to get our shipbuilding back on track. Under United States Navy's goal is to maintain a 313 ship fleet capable of transporting troops around the world, providing support for military operations, along with a global U.S. presence. The Navy's fleet is currently at 286 ships. Starting in 2003, the wars in Iraq and Afghanistan, shifted our defense needs primarily to the Army, the National Guard and our Reserves. During this time, the Navy's shipbuilding program went stagnant, lacked direction, and had no plan in place to reach the Navy's stated goal of a 313 ship fleet.

This all changed starting in 2007. The Armed Services Committee began addressing the Navy's acquisition reform process, the cost of the United States Army's Secretary General's outsourcing of shipbuilding to contractors and system integrators. We have provided the Navy real goals to meet each year in order to build the Navy back to a 313 ship fleet. This reformation includes a proposed authorization of 19 ships in this year's National Defense Authorization Act. We have worked to bring the Littoral Combat Ship (LCS) back under control. These ships had been previously approved but the program was wildly out of control. It got to the point where the contractors wanted $500 million for a ship they originally said could be built for $220 million in fiscal year 2005. This cost increase prevented the Navy from building the amount of LCS' originally approved by Congress which seriously affected the Navy's ability of reaching its goal of a 313 ship fleet.

Chairman Skelton and the Democratic majority also prevented another costly over run from occurring by capping the DDG 1000 program. The program was approximately $3 billion per ship. This program was running billions of dollars over budget. By capping this program at three ships, we allowed the Navy to shift much more of the successful shipbuilding program—the DDG 51 program. This maximizes the Navy's budget by providing them with a ship that has a proven track record for success and providing the funds to a proven shipbuilding program that has already produced 38 ships for the United States Navy.

The Navy has also received authorization for 15 ships not including the additional 10 ships in the proposed annual NDAA, to be built from fiscal years 2009 through 2011. Since 2007, the Navy's fleet has grown by 7 ships to 286 ships. Prior to this, the Navy's fleet was the smallest it has been since the 19th century at 279 ships. The progress made by the Navy's shipbuilding program is the direct result of a clear and consistent plan and turnover to high-risk development of the Navy. It is by no means a coincidence that the fleet has grown and continues to grow under Chairman Skelton's leadership during this Democratically controlled Congress.

While men and women in the United States military continue to put in harms way in Iraq and Afghanistan we must continue providing them the real support necessary to allow them to successfully carry out their missions. It is clear that the House Armed Services Committee under Chairman Skelton, has provided much more than mere words or rhetoric and has acted loudly to ensure that the Department of Defense and our men and women fighting overseas constantly have what they need to successfully protect and defend the United States of America.

Gene Taylor, Member of Congress.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member on the Readiness Subcommittee.

Mr. FORBES. Thank you, Mr. Chairman, for the opportunity to stand up here and strongly recommend. I would also like to express my sincere appreciation for Chairman Skelton, Ranking Member McKeon, and the chairman of our Readiness Subcommittee and my good friend from Texas, Mr. ORTIZ.

Mr. Chairman, our Founding Fathers knew that our freedoms were so precious that they were worth protecting and worth defending. They also knew, as we know today, that one of the realities of having these freedoms is that there will always be individuals who want to rob them from us. Throughout the course of our Nation's history, we have seen this to be true. Today is no different. Recent attempts in Times Square, New York City, and on passenger airlines on Christmas Day are stark reminders that there are terrorist organizations that are actively trying to kill American citizens.

Mr. Chairman, we need to keep terrorists off U.S. soil, not provide means for any administration to bring them here. And while the committee did not support an amendment that would have prevented the transfer of any Guantánamo Bay detainee to U.S. soil, I do want to take a moment to highlight the provision that I am very glad is included in the mark. This provision requires an inventory and analysis of the modeling and simulation tools used by the Department of Defense during the development of the annual budget. This is a terrific first step in making sure the department has the right tools to ensure that the readiness needs of commanders will be reflected in the budget. By starting with funding priorities that will make sense in the field, we will make sure we are providing what is required to defend America.

Mr. Chairman, I thank you, and I thank all of the Members of this committee for their hard work in crafting this bill. I strongly encourage my colleagues to support H.R. 5136—provided it's not destroyed with the adoption of political amendments that could negatively impact the readiness of our troops, such as the removal of the Don't Ask, Don't Tell policy before the military has concluded its impact on our readiness.
every day to protect the people and protect those of us in the United States.

The language that we had inserted into this bill, one of the things that it does is require the Department of Defense Inspector General to investigate the actions of certain lawyers for terrorist detainees at Guantanamo Bay.

Unanimously, the committee approved this amendment, whereby we have currently lawyers may well have engaged in illegal actions by seeking to "out" covert agents to the very terrorists that these particular agents took off the battlefield.

If this indeed is true, I can't think of a more offensive, unpatriotic and terrible act to be committed by the Americans that did this against fellow Americans.

I also do stand with the ranking member in opposition to the repeal of Don't Ask, Don't Tell. I agree, we also need to allow Department of Defense to complete its study before we jump the gun to a rash, premature decision, one that diverts our military's attention from its true priorities. Those priorities are succeeding in Iraq and Afghanistan, and also in keeping terrorists from harming Americans and its citizens.

Unfortunately, if the Murphy amendment does pass and we do repeal Don't Ask, Don't Tell, I will have to vote against H.R. 5136. But I trust this body will reject the Murphy amendment and allow our forces to remain focused on the task at hand—defending America.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to my friend, the chair of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank the chairman for yielding.

Mr. Chairman, I rise today as a 14-year member of the House Armed Services Committee and the chairwoman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities to address probably what I believe is one of the most important assets that we have for the Department of Defense, the role of our small businesses in America.

My subcommittee, along with the full committee, has worked hard to develop ways to expand opportunities for small businesses to get defense procurements. For example, we wanted to repeal the Small Business Competitive Demonstration Program. This would reinstitute the use of small business set-asides for Federal procurements in certain industry groups, assuring that these small businesses are awarded a fair proportion of Department of Defense contracts.

The repeal of this program would not only have saved DOD money and personnel but would have improved small business prime and subcontracting opportunities.

Secondly, the Armed Services Committee was hoping to extend the Small Business Innovation Research program by 1 year and to apply funding toward technical assistance for that program in order to strengthen the ability of small businesses to meet the demands of DOD requirements.

It would have made perfect sense to move an extension within this bill because over 50 percent of that program is with the Department of Defense.

Also, there is a program called the Mentor-Protégé Program. It pairs up major DOD contractors with small businesses, and it helps to develop a relationship with these small contractors to help them.

As you can see, these are good provisions for small businesses. Unfortunately, none of these amendments were approved by the Rules Committee because of the objections raised by the House Small Business Committee on grounds of jurisdiction. I think every member will agree that small businesses are the backbone of many of our districts and I know that this is true in the 47th Congressional District of California.

I hope that in the very near future, the Defense Small Business will work with the Armed Services Committee to rapidly provide these resources to our small businesses.

I rise today as a 14-year Member of the House Armed Services Committee and the Chairwoman of the Subcommittee on Terrorism and Unconventional Threats to address probably what I consider one of the most important assets to the Department of Defense—the role of small businesses.

My subcommittee along with the full committee has worked hard to develop ways to expand opportunities for small businesses in defense procurement.

Let me provide this chamber with a couple of amendments that would have ultimately strengthened this bill and the Department but would have also provided our country's small businesses with the resources in order to thrive in the competitive world of DOD contracting.

For example, we wanted to repeal the Small Business Competitive Demonstration Program. This would reintroduce the use of small business set-asides for Federal procurements in certain industry groups, assuring that these small businesses are awarded a fair proportion of DOD contracts.

The repeal of this program would not only have saved DOD money—but also personnel—while improving small business prime and subcontracting opportunities.

The repeal of this program would take up 50 percent of the entire SBIR Program.

It would have made perfect sense to move such an extension within the NDAA, because DOD has over 50 percent of the program.

Through this year's bill the Committee was also working towards extending the DoD Mentor-Protégé program by 5 years.

The Mentor-Protégé program is a program that started with DoD in 1991. The program pairs up major DoD contractors with small businesses and helps develop a relationship where major contractors can provide developmental assistance to small businesses and guide them to a point where they can sustain themselves.

As you can see, all these provisions would have significantly expanded and strengthened small business growth.

One of my subcommittee's major responsibilities is to provide and expand resources for small businesses who want to do business with DOD.

Unfortunately, none of these amendments were approved by the Rules Committee because of objections raised by the House Small Business Committee on grounds of jurisdiction.

The FY2011 National Defense Authorization Act is a good piece of legislation that addresses several of the Defense Department's most important challenges, including:

- The fight to interrupt the flow of violent extremists and the ideological underpinnings of radicalization;
- The development and deployment of innovative and critical technologies;
- Defending our homeland from attacks and managing the consequences of catastrophic incidents including natural disasters;
- Enhancing strategies and capabilities to counter irregular warfare challenges;
- And enhancing force protection policies with respect to our small businesses.

I believe none of these challenges can be met without the innovation and technology of our small businesses.

I think everyone in this chamber will agree that small businesses are the backbone of many of our districts; I know it is for the 47th District of California.

I hope in the very near future the Committee on Small Businesses will work with the Armed Services Committee to rapidly provide these resources to our small businesses.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. Wilson), the ranking member on the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. I thank the gentleman from California for yielding.

I am the ranking member of the Military Personnel Subcommittee, there are a few issues I would like to highlight with regard to this year's National Defense Authorization Act.
I am pleased the act adopted the Military Personnel Subcommittee mark in full and adopted some important amendments. Of note in the mark was a 1.9 percent basic pay raise for the military, as proposed in my bill, H.R. 4427.

Concerning amendments, first is my amendment to ensure that the Secretary of Defense retains sole authority over TRICARE, the Department of Defense’s health care system. This ensures that the health care system of our brave men and women and families will not be overwhelmed in the health care takeover.

I do have concerns about a few other issues that are not in the NDAA. First is the proposal that we would have allowed military personnel retired with disabilities to receive both their full military disability retirement pay and VA disability pay. The concurrent receipt issue has been addressed numerous times by the committee led by Congressman Jerry Miller of Florida, and while we have been making inroads, there are still many veterans who need our help.

Additionally, it was not allowed to eliminate the widow’s tax that results because surviving spouses are required to forfeit their survivor benefit pension annuity. This is a real burden to widows and children of servicemembers.

I am also concerned about the retroactive retirement credit for Guard and Reserve soldiers who served after 9/11. These soldiers have answered the call to duty and deserve no less for their honorable service than their active duty counterparts.

As we bring this act to the floor, it is important to keep the servicemember in the forefront of our mind. It is crucial to consider the repeal of the military’s Don’t Ask, Don’t Tell policy. The service chiefs, as represented by Secretary of Defense’s Don’t Ask, Don’t Tell policy. The service chiefs, as represented by our admirals and generals, are closely aligned with the committee and are urging my colleagues to look at this issue. We support their work and know how important their findings will be.

Mr. SKELTON. Mr. Chairman, I now yield 2 minutes to the gentleman from Ohio (Mr. MCKEON), the ranking member on the Strategic Forces Subcommittee.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the ranking member on the Strategic Forces Subcommittee.

Mr. TURNER. I want to thank Ranking Member McKeon and also our chair, Mr. SKELTON, and the chair, Mr. LANGEVIN, of our Subcommittee on Strategic Forces. I support the committee-passed version of H.R. 5136, and particularly by the way that it strengthens our Nation’s strategic forces. It endorses an increase in funding for the modernization of our Nation’s nuclear deterrent capabilities, although this funding must be sustained in the outyears. It includes a $362 million increase in funding for missile defense, which I strongly support, and holds the administration accountable for deploying missile defenses in Europe to protect the United States and our NATO allies. It establishes a sense of Congress that there would be no limitations on U.S. missile defenses in Europe in the new START treaty, despite Russian statements to the contrary.

There is an area, however, in which I am concerned in that the bill does not go far enough to provide a sufficient hedge to protect United States forces from missile attack. The Phased Adaptive Approach for missile defense in Europe is not planned to cover the U.S. homeland until 2020, yet the ICBM threat from Iran to the U.S. could materialize as early as 2015, according to the latest intelligence assessments. Regrettably, an amendment I offered in full committee to address this gap was rejected.

Another area which I support, I want to thank our chairman, Mr. SKELTON, for his support of the custody rights of our military parents. This bill includes protection for the fundamental custody rights of those military parents. Once again it highlights the need for a baseline of child custody protections for our military and their families. It also includes language that criticizes an unofficial DOD report as an incomplete product that does not ascertain the full scope of this problem.

Equally important in this bill is it strengthens the safety and family rights for military personnel. I want to thank Chairwoman DAVIS and Ranking Member WILSON for incorporating bipartisan language from the Tsongas-Turner Defense STRONG Act that seeks to enhance sexual assault protections as well as improving training requirements to protect our members.

I thank my colleagues in the Armed Services Committee for their work on the 2011 National Defense Authorization Act. It is certainly my hope that we can retain the language passed by the committee so the House can have a bipartisan report.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, and as the chairman of the Committee, I authorize the Committee to consider the following amendments to H.R. 5136 in the Committee of the Whole, and following consideration of amendment No. 4 printed in House Report 111-498, the following amendments be considered: en bloc No. 1; amendment No. 15; en bloc No. 2; en bloc No. 3.

The CHAIR. The gentleman’s request is noted.

Mr. SKELTON. Mr. Chairman, I now yield 2½ minutes to my friend, the gentleman from Rhode Island (Mr. LANGEVIN), the chairman of the Subcommittee on Strategic Forces.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. SKELTON. Mr. Chairman, I rise in strong support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. This is a strong, bipartisan bill; and as chairman of the Strategic Forces
Subcommittee, it has been a pleasure working with Chairman SKELTON and Ranking Member MCKEON, as well as the ranking member of the subcommittee, Mr. TURNER, and members of the committee in crafting this measure which provides our men and women in uniform with the tools to address some of the most pressing strategic threats to our national security.

Members of our subcommittee are acutely aware that we are racing against vulnerability and clear materials and prevent nuclear terrorism and that we must deter nations like Iran from developing nuclear weapons. We must also protect ourselves, our deployed forces and our allies against the growing threat of attacks from ballistic missiles, particularly from expanding stockpiles of short- and medium-ranged rockets, as well as being mindful that both Iran and North Korea are pursuing development of ICBM capabilities.

So the issue is in maintaining a safe, secure, and reliable nuclear deterrent, providing an effective missile defense against the most likely and immediate threats, and protecting our national security space and intelligence assets.

First, reflecting the President’s commitment to provide a strong and sustained investment in our nuclear deterrent, the bill provides $15 billion for the Department of Energy’s Atomic Energy Activities, not addressing the nonproliferation programs. This includes $7 billion for nuclear weapons activities, a 10 percent increase over last year’s funding, and $5.5 billion for defense environmental cleanup activities. This increase will sustain our nuclear arsenal without nuclear testing. It ensures we will maintain a credible deterrent as we responsibly reduce our stockpile and provide a robust foundation for implementing the administration’s Nuclear Posture Review and President Obama’s historic efforts to reduce nuclear dangers.

Second, H.R. 5136 will strengthen our ballistic missile defenses by providing $10.3 billion to protect the United States, our deployed troops, and our allies and friends against the most immediate threats from nations such as Iran, Syria, and North Korea. Our funding increases ensure that we will purchase key elements of the administration’s Adaptive Approach for ballistic missile defense in Europe more efficiently and at lower overall cost.

The bill also provides an additional $85 million for the longstanding U.S.-Israeli collaboration on missile defense programs. Further, the bill provides a $50 million increase for directed energy research and the Airborne Laser Test Bed to facilitate the testing and development of technologies that are most likely to yield operational capabilities in the future.

The CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 15 seconds.

Mr. LANGEVIN. The bill also requires operationally realistic testing of missile defense systems. It makes deployment of missile defenses in Europe contingent on such testing, as well as host nation ratification of any deployments on European soil.

I am proud of our smart spending decisions to strengthen our defenses against current threats. We are embracing good government practices and emphasizing thorough testing that reduces the costs to American taxpayers in the long run.

Finally, this authorization builds on the bipartisan approach of previous years to military space programs, providing $9.7 billion to sustain and improve these critical assets that are essential to our warfighters.

I want to thank Chairman SKELTON for his leadership one again in crafting such a strong measure, and I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the ranking member on the Oversight and Investigations Subcommittee.

Mr. WITTMAN. Mr. Chairman, I would like to begin by congratulating Ranking Member MCKEON and Chairman SKELTON for their fine work on the National Defense Authorization bill for 2011.

Mr. Chairman, the defense authorization bill provides our Department of Defense with the needed funds and addresses the committee’s priorities in supporting our men and women in uniform, their spouses and families. To enable our servicemembers to continue defending our freedoms abroad, we owe it to them to provide the best available support, training and equipment; and this bill reflects our undying commitment to those service members. After traveling to Afghanistan and Pakistan last month on a congressional delegation visiting the troops in the field, I know it is critical that we move the bill forward quickly to provide them that vital support.

The funding and support in this bill for the wars in Afghanistan and Iraq are critical. That support back home is just as critical. I am concerned, though, today about the attempt to repeal the Don’t Ask, Don’t Tell policy without listening to our servicemembers first. We are currently fighting two wars and our men and women to make tremendous sacrifices.

Now this Congress wants to act without our regard and essentially tell our American military members and families that their views do not count. I want to give the gentleman 5 minutes to debate this policy which will affect millions of American servicemembers and their families. Surely the American people and the military deserve more, especially as we head into the Democratic process intending to honor our servicemembers.

Furthermore, we heard from all the service branch chiefs yesterday asking Congress not to support this amendment and wait for the study next year. I believe Congress must make a fully informed decision, and the Department of Defense must provide Congress a full and complete report on the ramifications of changing the current law or whether a change is necessary. We owe that much to our military personnel to listen to them and to wait for the completion of a study next year.

Mr. SKELTON. Mr. Chairman, may I inquire of the time remaining please?

The CHAIR. The gentleman from Missouri has 5 minutes remaining; the gentleman from California has 7 1⁄4 minutes remaining.

Mr. SKELTON. Would the gentleman from California care to proceed?

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. Mr. Chairman, I rise in support of the bill as it passed out of the committee by unanimous vote.

This legislation authorizes good policy for directing the defense of our Nation. I strongly support the inclusion of the IMPROVE Act of 2010, which has already passed this House with an overwhelming vote.

The IMPROVE Act will make needed improvements to the way the acquisition process is managed; it will also help us move closer to the day that the financial statements of the Department of Defense are auditable and receive an unqualified opinion.

Mr. Chairman, the Murphy amendment will tell the 350,000-plus men and women who are currently participating in the survey that what they think about Don’t Ask, Don’t Tell Members of Congress, quite frankly, couldn’t care less what they say. While those constituents may work for the Department of Defense and the President, as Commander in Chief, they are our constituents. We are criticized roundly in this realm for not listening to our constituents, and the Murphy amendment will codify that statement in their minds.

I will oppose the Murphy amendment. I will also oppose the overall legislation if the Murphy amendment is adopted.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my colleague, my friend, the distinguished chairman of the Budget Committee who is also a member of our Committee on Armed Services, and colleague for yielding and commending him for the job he has done in bringing together an excellent bill to this floor.

This bill fully funds national security activities in the Departments of Defense and Energy, including top-line funding increases for DOD as well as fully funding Iraq and Afghanistan operations. This is the fourth consecutive year that the Congress has significantly increased funding for the military of this country. Overall, this bill
provides $548 billion for DOD, $159 billion for operations in Iraq and Afghanistan, and a total altogether of $726 billion, if you include the Department of Energy.

Among the unsung heroes in our national military are the families who serve every bit as much as the member, particularly when there is deployment in the family. This bill recognizes the vital role they play and provides a 1.9 percent pay increase, it expands TRICARE health coverage to include adult dependent children up to the age of 26. It increases family separation allowance for troops who are deployed and away from their families, and it increases hostile fire and imminent danger pay for the first time since 2004.

There will be more extensive debate later on the alternate engine, which this bill accommodates and provides for. Let me simply say I think it makes sense and saves money—it will in the long run because the $100 billion program for the engine alone is something where competition is vitally needed.

Having followed the course of ballistic missile defense for some time, it’s of interest to me that this bill amply provides for military defense for a robust missile defense, providing $10.3 billion, which is $361.6 million above the budget request.

Let me say finally that this bill is consistent too with the glide path that has been set for exploring the ramifications of a change on our Don’t Ask, Don’t Tell policy. I think it would be wise if we left the Secretary of Defense to finish his exploration, along with the military chiefs, before dictating any changes.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana, a member of the committee, Mr. FLEMMING.

Mr. FLEMMING. I thank the gentleman for yielding.

First of all, I want to congratulate the chair and ranking member for an excellent report for bringing us out of committee. I have three amendments in order, two I would like to mention quickly.

One is military retiree pay adjustment that ensures our Nation’s military retirees are always paid on or before the first of each month. Second, it requires reports to Congress on U.S. modernization, sustainment, and recapitalization of our bomber force. However, I am very disappointed. The lack of or even the possibility of any bill to move forward with a 1–130 loan agreement, which hopefully would do something toward improving our Nation’s ability to respond to emergencies. If this body does choose to move forward with a C–130 loan agreement, we should at least set up a regime to ensure this is truly a temporary process.

As a former Governor, I understand the important role the Air National Guard plays in meeting our homeland security needs and that any aircraft reductions may significantly impact each State’s ability to respond to emergencies. If this body chooses to move forward with a C–130 loan agreement, we should at least set up a regime to ensure this is truly a temporary process. Hopefully, we can consider these issues as the bill moves forward.

Mr. SERRANO. The Acting CHAIR (Mr. SERRANO). The gentleman from California has 4 1/2 minutes remaining. The gentleman from Missouri has 1 minute remaining. The gentleman from Missouri has 1 minute remaining.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Chairman, this Memorial Day, we thank our men and women serving our Nation—our veterans, their families, and those who have given their lives to defend and protect Americans. We honor their sacrifices on behalf of our freedom as a Nation.

My colleagues and I have worked very hard in our Armed Services Committee on the National Defense Authorization Act, which I believe to be an effective and comprehensive blueprint for our Nation’s defense both at home and abroad. Most importantly, I believe this bill provides our men and women in uniform with the support and protection they need and deserve both on and off the battlefield.

Every day, these brave men and women put their lives on the line for the safety and security of our Nation, and it is our job to make sure that they receive the quality support and services they need, especially when they return home.

I am very grateful for my amendments to improve the detection and the diagnosis of common combat-related afflications, like that of ringing in the ears, of posttraumatic stress disorder, and of traumatic brain injury, which are all included in this year’s authorization. The sooner we catch these prevalent service-related injuries, the sooner we will simultaneously improve the quality of the lives of our troops and will reduce the costs of health care across the board.

So, as this Memorial Day approaches, I hope we all remember our troops—those who are currently serving and

Mr. ANDREWS, the chairman of the acquisition reform task force.

Mr. ANDREWS asked and was given permission to revise and extend his remarks.

Mr. ANDREWS. Mr. Chairman, the best way to defend this country is to have every person who is willing to serve her have the opportunity to do so and who is able to do so. That’s the intention of the Murphy amendment which, frankly, there have been a series of misrepresentations about.

Let’s set the record straight. If the Secretary of Defense and the Chairman of the Joint Chiefs of Staff believe, after listening to the input of our service personnel, after reviewing the facts, if they believe that implementation of this policy would in any way undercut the readiness or effectiveness of our Armed Forces, they will not certify the policy, and it will not happen. This policy will happen only when the Secretary of Defense and the Chairman of the Joint Chiefs of Staff say that it’s the right thing to do for this country.

The right thing to do for this country is not to ask someone what church they go to, what country they came from, what color they are, or what their sexual orientation is. It’s to ask if they’re willing and able to serve, and that is what we are going to do.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

I rise today to express concern with the Murphy amendment. While the bill before us takes the important step of preventing the move of any C–130 aircraft away from air reserve components until Congress receives written agreement on the details of such a temporary transfer, I believe we should consider implementing a time limit of 60 months on the duration of those loans.

As a former Governor, I understand the important role the Air National Guard plays in meeting our homeland security needs and that any aircraft reductions may significantly impact each State’s ability to respond to emergencies. If this body chooses to move forward with a C–130 loan agreement, we should at least set up a regime to ensure this is truly a temporary process. Hopefully, we can consider these issues as the bill moves forward.

Mr. SKELTON. Mr. Chair, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendment Nos. 80 and 82 may be offered out of order.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, today, we have the opportunity to right a wrong.

I rise in strong support of repealing the military’s Don’t Ask, Don’t Tell policy.

Seventeen years after Congress passed Don’t Ask, Don’t Tell, we know that it is a misguided, unjust, and discriminatory policy. Not only does Don’t Ask, Don’t Tell damage the lives and livelihoods of military professionals, it deprives our Nation and our Armed Forces of some of our most valuable servicemembers and of their needed skills. Under this law, almost 14,000 servicemembers have been discharged, including almost 1,000 mission-critical troops and at least 60 Arabic speakers and 10 Farsi linguists. It is indefensible.

When the House votes to repeal Don’t Ask, Don’t Tell, we will have taken one more step on the path to full civil rights and equality for LGBT Americans, but we will also change the course of history for all of the courageous Americans who serve our country and for their families.

Mr. Chairman, in the land of the free and the home of the brave, it is long past time for Congress to end this un-American policy.

Mr. McKEON. Mr. Chairman, may I inquire as to the time we have remaining.

The Acting CHAIR (Mr. SERRANO). The gentleman from California has 4 1/2 minutes remaining. The gentleman from Missouri has 1 minute remaining.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Chairman, this Memorial Day, we thank our men and women serving our Nation—our veterans, their families, and those who have given their lives to defend and protect Americans. We honor their sacrifices on behalf of our freedom as a Nation.

My colleagues and I have worked very hard in our Armed Services Committee on the National Defense Authorization Act, which I believe to be an effective and comprehensive blueprint for our Nation’s defense both at home and abroad. Most importantly, I believe this bill provides our men and women in uniform with the support and protection they need and deserve both on and off the battlefield.

Every day, these brave men and women put their lives on the line for the safety and security of our Nation, and it is our job to make sure that they receive the quality support and services they need, especially when they return home.

I am very grateful for my amendments to improve the detection and the diagnosis of common combat-related afflications, like that of ringing in the ears, of posttraumatic stress disorder, and of traumatic brain injury, which are all included in this year’s authorization. The sooner we catch these prevalent service-related injuries, the sooner we will simultaneously improve the quality of the lives of our troops and will reduce the costs of health care across the board.

So, as this Memorial Day approaches, I hope we all remember our troops—those who are currently serving and
those who have served our country to defend our freedoms.

If this bill makes it off the floor as it came out of the committee, which was in one piece, then I will be supporting it. If there are changes that deal with some other issues that this committee has not yet addressed, I will be more than happy to be more than objectionable, then we will be considering them.

Mr. SKELETON. Mr. Chairman, I yield myself such time as I may consume.

Mr. MCKEON. Mr. Chairman, picture in your mind an American soldier, a corporal, patrolling in Afghanistan, wearing his American-made uniform, carrying his American-made M4 rifle, having been transported in an MRAP security vehicle to his place of patrolling, with a radio on his back which was made in America—all of these items furnished by the Congress of the United States and under our duty and the duty to train and to allow him to be fully prepared to fight the that he has been called to fight are important in what we do today. That is the purpose of an authorization bill. It is required by the Constitution of the United States. It is paramount. It is the most important job that we have to do—to provide for the safety of those who fight and who protect us in their line of duty.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. COFFMAN), a member of the committee.

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in support of the defense authorization bill, but I rise in opposition to the Murphy amendment to the bill.

Congress must review the results of the Department of Defense study on Don’t Ask, Don’t Tell before we vote to reverse the existing policy or to keep it. The purpose of this study is to survey those in uniform on this issue. The Murphy amendment essentially says that we are not willing to listen to those who currently serve in uniform before making our decision.

It was during the first Gulf war when I served as a ground combat leader with the United States Marine Corps that I found that the interdependent bond that was formed between marines on a ground combat team was essential to our effectiveness on the battlefield. My concern is that the ability for this bond to be formed might be greatly degraded with the intersection of sexuality, whether it be heterosexuality or homosexuality.

I think that it is absolutely essential for the study to be completed so that the Department of Defense can determine how changes might be greatly degraded with the intersection of sexuality, whether it be heterosexuality or homosexuality.

I think that it has worked very hard. I think the members of the committee—the subcommittee chairman and the ranking members—have all worked very hard, and the staff.

It is an excellent product as it stands right now. Unfortunately, insufficient time to debate the Murphy amendment about Don’t Ask, Don’t Tell. I think that it is unfortunate that the Rules Committee did not give us the time that will be necessary to fully debate that, but we will take advantage of the time as we may.

I would like to say, as for many of the Members who have spoken today on our side, they do support the bill as it came out of committee. They hope that it will be improved, but if the Don’t Ask, Don’t Tell Murphy amendment passes, many of them will not be able to support the final passage, which I, indeed, I believe, a tragedy. None of us have ever before, to my knowledge, opposed the defense authorization bill, and we really don’t do that lightly. We want to support all of this product, and we hope that we will be able to work out this as the day goes on.

Mr. MATHESON. Mr. Chair, I rise in support of H.R. 4375, the Defense Authorization Act for Fiscal Year 2011. This bill makes investments in our national’s military, authorizes funding to further strengthen our national security, and provides resources and aid to service members and their families.

Mr. CONYERS. Mr. Chair, I rise in strong opposition to H.R. 5136, the “National Defense Authorization Act for Fiscal Year 2011.”

As with most omnibus pieces of legislation, it is not only too long, but also too complex as those I do not. Unfortunately, the improvements to our military policy do little to blunt the effect of the wasteful billions authorized for military spending, which continue to feed the military-industrial complex and the ever-growing imperial overstretch of our military around the world.

I do want to briefly acknowledge a few of the provisions I supported in this bill. First, I am heartened that an amendment I offered with my colleague, Representative GEOFF DAVIS of Kentucky, was adopted by the House. Our amendment builds on our bipartisan resolution, H. Con. Res. 94, and would instruct the Secretary of Defense, in coordination with the Secretary of State, to submit a report to Congress assessing the strategic benefits of the successful negotiation of a deal agreement including the United States and Iran. I believe such an agreement would reduce tensions in the region and help prevent accidental war. I am heartened that the Defense Department and State Department will otherwise address this critical issue.

Additionally, I want to acknowledge the good work of Representatives SCHAKOWSKY, McGOVERN, HINCHEN, and MORA. Together, we successfully offered an amendment that would empower the Special Inspector General for Afghanistan Reconstruction to improve its oversight and take steps to deny federal funding to private security contractors responsible for the deaths of Afghan civilians. For far too long, mercenaries like Blackwater have acted with impunity in the theaters of war, committing human rights atrocities and soiling the good name of the American people. With the adaption of this amendment, we are hopefully moving closer to finally putting these reckless soldiers of fortune out of business.

Unfortunately, this authorization does not do nearly enough to properly fund our national security posture to earn my vote. As with past defense budgets, it spends too much on war, outdated Cold War weapons systems, and nuclear weaponry.

The American people cannot afford the $159.3 billion provided in this bill to fund our “overseas contingency operations”—the Orwellian term for our wars in Afghanistan and Iraq—with our economy struggling to escape recession and with so many families torn apart by long deployments, debilitating battlefield wounds, and economic conditions including premature deaths. Continuing to fund our military simply continues to compound the mistakes of the previous administration and I, in good conscience, cannot support a bill that continues us down this path of folly which has, to date, cost us the lives of 1,000 young men and women, Afghan soldiers, and nearly $1 trillion in war spending since 2001.

I was inspired by a passage in the President’s new National Security Strategy, which was released today. It spoke of another path towards securing our homeland and brokering peace round the world. It simply and eloquently stated:

The freedom that America stands for includes freedom from want. Basic human
rights cannot thrive in places where human beings do not have access to enough food, or clean water, or the medicine they need to survive.

Those are powerful words and they speak to a universal truth: When we love and care for one another, we do not need to rely on nuclear weapons, Virginia-class submarines, or other tools of destruction to secure ourselves and our families. We don't need to invest 26.5 million in "counter-ideology initiatives," when our national policy is to export hope and dignity instead of Predator drone missiles. The death of a family member and the humiliation associated with a night raid is what radicalizes someone to the point where they seek to harm the American people. We can and we must stop these destructive practices if we hope to win over our brothers and sisters in the Muslim world.

I have unending faith in the ability of the American people to change our country's course when needed. I believe that they can stand up and say "no" to our nation being perpetually at war. I believe that they can say no to spending more on defense than all the other nations of the world combined, especially when people in Detroit and Hamtramck and Dearborn still need a job that pays a decent wage. I hope my fellow Members will join me in opposing this bill, so that we can inspire the American people to pursue another, better path.

Mr. MCEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill in the nature of a substitute printed in the Congressional Record. Pursuant to the rule, the amendment in the nature of a substitute is as follows:

"The text of the amendment in the nature of a substitute is as follows:

H.R. 5136

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2011".

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy Authorizations.

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

Sec. 4. Treatment of successor contingency operation to Operation Iraqi Freedom.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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—Army Programs

Sec. 111. Procurement of early infantry brigade combat team increment one equipment.

Sec. 112. Report on Army battlefield network plans and programs.

Subtitle C—Navy Programs

Sec. 121. Incremental funding for procurement of large naval vessels.

Sec. 122. Multiyear procurement of F/A-18E, F/A-18F and EA-18G aircraft.

Sec. 123. Report on naval force structure and missile defense.

Subtitle D—Air Force Programs

Sec. 131. Preservation and storage of unique toolsing for F-22 fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Limitation on procurement of F-35 Lightning II aircraft.

Sec. 142. Limitation on biometric systems funds.

Sec. 143. Counter-improved explosive device initiatives database.

Sec. 144. Study on lightweight body armor solutions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Defense Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Report requirements for replacement funding for the Ohio-class ballistic missile submarine.

Sec. 212. Limitation on obligation of funds for F-35 Lightning II aircraft program.

Sec. 213. Inclusion in annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II aircraft.

Sec. 214. Separate program elements required for research and development of Joint Light Tactical Vehicle.

Subtitle C—Missile Defense Programs

Sec. 221. Limitation on availability of funds for missile defenses in Europe.

Sec. 222. Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities.

Sec. 223. Phased, adaptive approach to missile defense in Europe.

Sec. 224. Homeland defense hedging policy.

Sec. 225. Independent assessment of the plan for defense of the homeland against the threat of ballistic missiles.

Sec. 226. Study on ballistic missile defense capabilities of the United States.

Sec. 227. Reports on standard missile system.

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 comprehensive general report on the VH-(XX) presidential helicopter acquisition program.

Sec. 234. Joint assessment of the joint effects targeting system.

Subtitle E—Other Matters

Sec. 241. Escalation of force capabilities.

Sec. 242. Pilot program to include technology protection features during research and development of defense systems.

Sec. 243. Pilot program on collaborative energy security.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 353. Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space unavailable on commercial lines.

Sec. 354. Technical correction to obsolete reference relating to use of flexibly hiring authority to facilitate performance of certain Department of Defense functions by civilian employees.

Sec. 355. Inventory and study of budget modeling and simulation tools.

Sec. 356. Sense of Congress regarding continued importance of High-Altitude Aviation Training Site, Colorado.

Sec. 357. Department of Defense study on simulated tactical flight training in a sustainment environment.

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

TITe IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strengths for 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.

TITe V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Age for health care professional appointments and mandatory retirements.

Sec. 502. Authority for appointment of warrant officers in the grade of W-1 by commission and standardization of warrant officer appointing authority.

Sec. 503. Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards.

Sec. 504. Administrative removal of officers from list of officers recommended for promotion.

Sec. 505. Eligibility of officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.

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. Prepreparation counseling for members of the reserve components.

Sec. 512. Military correction board remedies for National Guard members.

Sec. 513. Removal of statutory distribution limits on Navy reserve flag officer allocation.

Sec. 514. Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program.

Sec. 515. Temporary authority for temporary employment of non-dual status military technicians.

Sec. 516. Revised structure and functions of Reserve Forces Policy Board.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Technical revisions to definition of joint matters for purposes of joint officer management.

Sec. 522. Changes to program involving promotion boards for joint qualified officers and officers with joint staff experience.

Subtitle D—General Service Authorities

Sec. 523. Extension of temporary authority to order retired members of the Armed Forces to active duty in high-demand, low-density assignments.

Sec. 524. Correction of military records.

Sec. 525. Modification of Certificate of Release or Discharge from Active Duty (DD Form 214) to specifically identify a space for inclusion of email address.

Sec. 526. Recognition of role of female members of the Armed Forces and Department of Defense review of military occupational specialties available to female members.

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. Limitations on use in personnel action of information contained in criminal investigative report or in index maintained for law enforcement retrieval and analysis.

Sec. 544. Protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

Sec. 545. Improvements to Department of Defense domestic violence programs.


Subtitle F—Member Education and Training Opportunities and Administration

Sec. 551. Repayment of education loan repayment benefits.

Sec. 552. Active duty obligation for graduates of the military service academies participating in the Armed Forces Health Professions Scholarship and Financial Assistance program.

Sec. 553. Waiver of maximum age limitation on admission to service academies for certain enlisted members who served during Operation Iraqi Freedom or Operation Enduring Freedom.

Sec. 554. Report of feasibility and cost of expanding enrollment authority of Community College of the Air Force to include additional members of the Armed Forces.

Subtitle G—Defense Dependents’ Education

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependent members of the Armed Forces and Department of Defense civilian employees.

Sec. 562. Enrollment of dependents of members of the Armed Forces who reside in temporary housing in Department of Defense domestic dependent elementary and secondary schools.

Subtitle H—Decorations, Awards, and Commemorations

Sec. 571. Notification requirement for determination made in response to review of proposal for award of a Medal of Honor not previously submitted in timely fashion.

Sec. 572. Department of Defense recognition of spouses of members of the Armed Forces.

Sec. 573. Department of Defense recognition of children of members of the Armed Forces.

Sec. 574. Clarification of persons eligible for award of bronze star medal.

Sec. 575. Award of Vietnam Service Medal to veterans who participated in Macquarie rescue operation.

Sec. 576. Authorization for award of Medal of Honor to certain members of the Army for acts of valor during the Civil War, Korean War, or Vietnam War.

Sec. 577. Authorization and request for award of Distinguished-Service Cross to Maj C. Copeley for acts of valor during the Vietnam War.

Sec. 578. Program to commemorate 69th anniversary of the Korean War.

Subtitle I—Military Family Readiness Matters

Sec. 581. Appointment of additional member of Department of Defense Military Family Readiness Programs.

Sec. 582. Director of the Office of Community Support for Military Families With Special Needs.

Sec. 583. Pilot program of personalized career development counseling for military spouses.

Sec. 584. Modification of Yellow Ribbon Reintegration Program.

Sec. 585. Importance of Office of Community Support for Military Families with Special Needs.


Sec. 587. Comptroller General report on Exceptional Family Member Program.

Sec. 588. Comptroller General review of Department of Defense military spouse employment programs.

Sec. 589. Report on Department of Defense military spouse education programs.

Subtitle J—Other Matters

Sec. 591. Establishment of Junior Reserve Officers’ Training Corps units for students in grades above sixth grade.

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. Date for submission of annual report on Department of Defense STARBASE Program.

Sec. 595. Extension of deadline for submission of final report of Military Leadership Diversity Commission.

Sec. 596. Enhanced 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. 597. Report on performance and improvements of Transition Assistance Program.

Sec. 598. Sense of Congress regarding assisting members of the Armed Forces to participate in apprenticeship programs.
TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2011 increase in military basic pay.
Sec. 602. Basic allowance for housing for two-member couples when one or both members are on sea duty.
Sec. 603. Allowances for purchase of required equipment.
Sec. 604. Increase in amount of family separation allowance.
Sec. 605. One-time special compensation for transition of assistants providing aid and attendance care to members of the uniformed services with catastrophic injuries or illnesses.
Sec. 606. Expansion of definition of senior enlisted member to include senior enlisted member serving within a combatant command.
Sec. 607. Ineligibility of certain Federal civilian employees for Reserve or 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 special pay and special pays.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
Sec. 617. Treatment of officers transferring between Armed Forces for receipt of aviation career special pay.

Sec. 618. Increase in maximum amount of special pay for duty subject to hostile fire or imminent danger or for duty in foreign area designated as a combat zone.

Sec. 619. Special payment to members of the Armed Forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone, including those killed or wounded in certain 2009 attacks.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Extension of authority to provide travel and transportation allowances for inactive duty training outside of normal commuting distances.
Sec. 632. Travel and transportation allowances for attendance of designated persons at Yellow Ribbon Reintegration events.
Sec. 633. Mileage reimbursement for use of privately owned vehicles.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Elimination of cap on retired pay multiplier for members with greater than 30 years of service who retire for disability.
Sec. 642. Equity in computation of disability retired pay for reserve component members wounded in action.
Sec. 643. Elimination of the age requirement for health care benefits for non-regular service retirees.

Sec. 644. Clarification of effect of ordering reserve component member to active duty to receive authorized medical care on reducing eligibility age for receipt of non-retirement service retired pay.
Sec. 645. Special survivor indemnity allowance for recipients of pre-Survivor Benefit Plan and annuity affected by required offset for dependency and indemnity compensation.
Sec. 646. Payment date for retired and retainer pay.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Shared construction costs for shopping malls or similar facilities containing a commissary store and one or more nonproprietary fund instrumentality activities.
Sec. 652. Additional payments for veterans, dependents, welfare, and recreation telephone services for use in contracts to provide such services for military personnel serving in combat zones.
Sec. 653. Feasibility study on establishment of full exchange store in the Northern Mariana Islands.

Subtitle F—Alternative Career Track Pilot Program

Sec. 661. Pilot program to evaluate alternative career track for commissioned officers to facilitate an increased commitment to academic and professional education and career-broadening assignments.

Subtitle G—Other Matters

Sec. 671. Participation of members of the Armed Forces Health Professions Scholarship and Financial Assistance program in active duty health profession loan repayment program.
Sec. 672. Retention of enlistment, reenlistment, and student loan benefits received by military technicians (dual status).
Sec. 673. Cancellation of loans of members of the Armed Forces made from student loan funds.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Extension of prohibition on increases in copayments under retail pharmacy system of pharmacy benefits program.

Subtitle B—Health Care Administration

Sec. 711. Administration of TRICARE.
Sec. 712. Updated terminology for the Army medical service corps.
Sec. 713. Clarification of licensure requirements applicable to military health-care professionals who are members of the national guard performing duty while in title 32 status.
Sec. 714. Annual report on joint health-care facilities of the Department of Defense and the Department of Veterans Affairs.
Sec. 715. Improvements to oversight of medical training for Medical Corps officers.
Sec. 716. Study on reimbursement for costs of health care provided to ineligible individuals.
Sec. 717. Limitation on transfer of funds to Department of Veterans Affairs medical facility demonstration project.

Subtitle C—Other Matters

Sec. 721. Improving auricular protection for members of the Armed Forces.
Sec. 722. Comprehensive policy on neurocognitive assessment by the military health care system.
Sec. 723. National Casualty Care Research Center.

Sec. 724. Report on feasibility of study on breast cancer among female members of the Armed Forces.

Sec. 725. Assessment of post-traumatic stress disorder by military occupation.

Sec. 726. Visiting NIH Senior Neuroscience Fellowship Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Disclosure to litigation support contractors.
Sec. 802. Designation of F133 and F136 engine development and procurement programs as major subprograms.
Sec. 803. Conforming amendments relating to inclusion of major subprograms to major defense acquisition programs under various acquisition-related requirements.
Sec. 804. Enhancement of Department of Defense authority to respond to combat and safety emergencies through rapid acquisition and deployment of urgently needed supplies.
Sec. 805. Prohibition on contracts with entities engaging in commercial activity in the energy sector of Iran.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Definitions

Sec. 811. Extension of authority to procure certain fibers; limitation on specification.
Sec. 812. Small arms production industrial base matters.
Sec. 813. Additional definition relating to production of specialty metals within the United States.

Subtitle C—Studies and Reports

Sec. 821. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations.
Sec. 822. Annual joint report and Comptroller General review on contracting in Iraq and Afghanistan.
Sec. 823. Extension of Comptroller General review and report on contracting in Iraq and Afghanistan.
Sec. 824. Interim report on review of impact of covered subsidies on acquisition of KC-45 aircraft.
Sec. 825. Reports on Joint Capabilities Integration and Development System.
Sec. 831. Extension of authority for defense acquisition challenge program.
Sec. 832. Energy savings performance contracts.
Sec. 833. Consideration of sustainable practices in procurement of products and services.
Sec. 834. Definition of materials critical to national security.
Sec. 835. Determination of strategic or critical rare earth materials for defense application.
Sec. 836. Review of national security exception to competition.
Sec. 837. Inclusion of bribery in disclosure requirements for behalf of Federal award-ee performance and integrity information system.
Sec. 838. Requirement for entities with facility clearances that are not under foreign ownership control or influence mitigation.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 902. Realignment of the organizational structure of the Office of the Secretary of Defense to carry out the reduction required by law in the number of Deputy Under Secretaries of Defense.

Sec. 903. Unified medical command.

Subtitle B—Space Activities

Sec. 911. Integrated space architectures.

Subtitle C—Intelligence-Related Matters

Sec. 921. 5-year extension of authority for Secretary of Defense to engage in commercial activities as security for intelligence collection activities.

Sec. 922. Space and counterspace intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Revisions to the board of regents for the Uniformed Services University of the Health Sciences.

Sec. 932. Increased flexibility for Combatant Commander Initiative Fund.

Sec. 933. Two-year extension of authorities relating to temporary waiver of restrictions to reimbursement of costs of activities for nonmilitary personnel at Department of Defense Regional Centers for Security Studies.

Sec. 934. Additional requirements for quadrennial roles and missions review in fiscal year 2011.

Sec. 935. Codification of congressional notification requirement before permanent relocation of any United States military unit stationed outside the United States.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Authorization of additional appropriations for operations in Afghanistan, Iraq, and Haiti for fiscal year 2010.

Sec. 1003. Budgetary effects of this Act.

Subtitle B—Counter-Drug Activities

Sec. 1011. Unified counter-drug and counterterrorism campaign in Colombia.

Sec. 1012. Joint task force support to law enforcement agencies conducting counterterrorism activities.

Sec. 1013. Reporting requirement on expenditures to support foreign counter-drug activities.

Sec. 1014. Support for counter-drug activities of certain foreign governments.

Subtitle C—Naval Vessels and Shipyards

Sec. 1021. Requirements for long-range plan for construction of naval vessels.

Sec. 1022. Requirements for the decommissioning of naval vessels.

Sec. 1023. Requirements for the size of the Navy battle force fleet.

Sec. 1024. Retention and status of certain 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, to foreign countries or other foreign entities.

Sec. 1033. Certification requirements relating to the transfer of individuals detained at Naval Station, Guantanamo Bay, Cuba, to foreign countries or 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.

Sec. 1036. Fort Hood Follow-on Review Implementation Fund.

Sec. 1037. Inspector General investigation of the conduct and practices of lawyers representing individuals detained at Naval Station, Guantanamo Bay, Cuba.

Sec. 1038. Extension of authorities relating to mishap safety investigation reports.

Sec. 1042. Interagency national security knowledge and skills.


Sec. 1044. Comptroller General report on previous requested reports.

Sec. 1045. Report on nuclear triad.

Sec. 1046. Cybersecurity study and report.

Subtitle E—Studies and Reports

Sec. 1041. Department of Defense aerospace-related mishap safety investigation reports.

Sec. 1042. Interagency national security knowledge and skills.


Sec. 1044. Comptroller General report on previous requested reports.

Sec. 1045. Report on nuclear triad.

Sec. 1046. Cybersecurity study and report.

Subtitle F—Other Matters

Sec. 1051. National Defense Panel.

Sec. 1052. Quadrennial defense review.

Sec. 1053. Sale of surplus military equipment to State and local homeland security and emergency management agencies.

Sec. 1054. Department of Defense rapid innovation program.

Sec. 1055. Technical and clerical amendments.

Sec. 1056. Limitation on Air Force fiscal year 2011 force structure announcement implementation.

Sec. 1057. Budgeting for the sustainment and modernization of nuclear delivery systems.

Sec. 1058. Limitation on nuclear force reductions.

Sec. 1059. Sense of Congress on the Nuclear Posture Review.

Sec. 1060. Strategic assessment of strategic challenges posed by potential competitors.

Sec. 1061. Electronic access to certain classified information.

Sec. 1062. Justice for victims of torture and terrorism.

Sec. 1063. Policy regarding appropriate use of Department of Defense resources.

Sec. 1064. Executive agent for preventing the introduction of counterfeit microelectronics into the defense supply chain.

Sec. 1067. Certification requirements relating to the transfer of individuals detained at Naval Station, Guantanamo Bay, Cuba, to foreign countries or other foreign entities.

Sec. 1068. Sense of Congress regarding waiver of recovery of certain payments made under civilian employees voluntary separation incentive program.

Sec. 1099. Suspension of DCIPS pay authority extended for a year.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—General Transfer Authority

Sec. 1101. Authority for the Department of Defense to provide services of post-combat case coordination.

Sec. 1102. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1103. Waiver of certain pay limitations.

Sec. 1104. One-year extension of authority for funding of certain services.

Sec. 1105. Waiver of certain pay limitations.

Sec. 1106. Services of post-combat case coordinators.

Sec. 1107. Authority to waive maximum age limit for certain appointments.

Sec. 1108. Sense of Congress regarding waiver of recovery of certain payments made under civilian employees voluntary separation incentive program.

Sec. 1109. Suspension of DCIPS pay authority extended for a year.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

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SEC. 3. CONGRESSIONAL APPROPRIATIONS COMMITTEES.

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

SEC. 4. TREATMENT OF SUCCESSOR CONTINGENCY OPERATION TO OPERATION IRAQI FREEDOM.

Any law or regulation applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act, any amendment made by this Act, or any other law enacted after the date of the enactment of this Act.
two brigade sets of early-infantry brigade combat team increment one equipment (in this section referred to as a "brigade set").

(b) APPLICABILITY TO LONG-LEAD PRODUCTION ITEMS.—Funding procured under subsection (a) includes procurement of a long-lead item for an element of a brigade set beyond the two brigade sets authorized under such subsection.

(c) WAIVER.—The Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) initial operational test and evaluation of the brigade set has been completed;

(B) the Director of Operational Test and Evaluation has submitted to Congress a report describing the results of the initial operational test and evaluation (as described in section 2309(b) of title 10, United States Code) and the comparative test of the brigade set;

(C) all of the subsystems tested in the initial operational test and evaluation were tested in the intended production configuration; and

(D) all radios planned for fielding with the brigade set have received the appropriate National Security Agency approvals, as determined by the Under Secretary; and

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

(d) LIMITATION ON MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation in subsection (a) does not apply to the procurement of individual components of the brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71-9 or a successor regulation).

SEC. 112. REPORT ON ARMY BATTLEFIELD NETWORK PLANS AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on plans for fielding tactical communications network equipment. Such report shall include—

(1) an explanation of the current communications architecture of every level of the Army;

(2) an explanation of the future communications architecture of every level of the Army;

(3) the quantities and types of new equipment that the Secretary plans to procure in the five-year period beginning on the date on which the report is submitted in order to develop the architecture described in paragraph (2); and

(4) a list of the equipment described in paragraph (3) that is included in the budget of the President for fiscal year 2012 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (c), of the funds authorized to be appropriated by this Act or any other Act for fiscal year 2011 for procurement, Army, for tactical radios or tactical communications network equipment, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the report under subsection (a) is published in the Federal Register.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation in subsection (b) does not apply to the procurement of tactical radio or tactical communications network equipment if the procurement of such equipment is specifically intended to address an operational need statement requirement (as described in Army Regulation 71-9 or a successor regulation).

(d) TACTICAL COMMUNICATIONS NETWORK EQUIPMENT DEFINED.—In this section, the term "tactical communications network equipment means communications network equipment operated by a tactical unit (of brigade size or smaller) of the Army.

Subtitle C—Navy Programs

SEC. 121. INCREMENTAL FUNDING FOR PROCUREMENT OF LARGE NAVAL VESSELS.

(a) INCREMENTAL FUNDING OF LARGE NAVAL VESSELS.—In subsection (b) of section 2306 of title 10, United States Code, the Secretary of the Navy may use incremental funding for the procurement of a large naval vessel over a period not to exceed the number of years equal to three-fourths of the total period of planned construction of such vessel.

(b) LPD-26.—With respect to the vessel designated LPD-26, the Secretary may use incremental funding for the procurement of such vessel through fiscal year 2012 if the Secretary determines that such incremental funding—

(1) is in the best interest of the overall shipbuilding efforts of the Navy;

(2) is needed to provide the Secretary with the ability to facilitate changes to the shipbuilding industrial base of the Navy; and

(3) includes procurement of a long-lead item for an aircraft carrier designated a CVN.

(c) CONDITION FOR OUT-OF-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) or (b) shall provide that any obligation of the United States to make a payment under the contract after the beginning in fiscal year 2011 of the fiscal year in which the vessel was authorized is subject to the availability of appropriations for that purpose for that fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term "large naval vessel" means a vessel—

(A) that is—

(i) an aircraft carrier designated a CVN;

(ii) an amphibious assault ship designated LPD, LHA, LSD, or LSD; or

(iii) an amphibious warship;

(B) that has a light displacement of 17,000 tons or more;

(2) The term "planned period of planned ship construction" means the period of years beginning on the date of the first authorization of funding (not including funding requested for advance procurement and ending on the date that is projected on the date of the first authorization of funding to be the delivery date of the vessel to the Navy.

SEC. 122. MULTIYEAR PROCUREMENT OF F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

(a) MULTIYEAR PROCUREMENT.—

(1) ADDITIONAL AUTHORITY.—Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217) is amended by adding at the end the following new subsections:

"(e) UPDATED REPORT.—With respect to a multiyear contract entered into under subsection (a), the Secretary of Defense, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees an update to the report under section 2306b(h)(4) of title 10, United States Code, by not later than September 1, 2010."

(2) USE OF FUNDS.—Sec. 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217) is amended by adding at the end the following new subsections:

"(f) REQUIRED AUTHORITY.—Notwithstanding any other provision of law, with respect to a multiyear contract entered into under subsection (a), this section shall be deemed to meet the requirements of section 2306b(h)(4) of title 10, United States Code.

"(g) EXCEPTION TO CERTAIN REQUIREMENT.—Section 8008(b) of the Defense Appropriations Act, 1998 (Public Law 105–56; 10 U.S.C. 2306b note) shall not apply to a multiyear contract entered into under subsection (a), this section shall be deemed to meet the requirements of subsection (b)(i) and (g) of section 2306b of title 10, United States Code.

"(h) USE OF FUNDS.—

"(1) PROCUREMENT.—In accordance with paragraph (2), the Secretary of the Navy shall ensure that any funds appropriated to be appropriated for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft under this section are obligated or expended for such purpose.

"(2) USE OF EXCESS FUNDS.—The Secretary of Defense shall ensure that any excess funds are obligated or expended for the advance procurement or procurement of F/A–18E or F/A–18F aircraft under this section, regardless of whether such aircraft are in addition to the 515 F/A–18E and F/A–18F aircraft planned by the Secretary of the Navy.

"(3) EXCESS FUNDS DEFINED.—In this subsection, the term 'excess funds' means funds available for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft under this section, means the amount of funds that is equal to the difference of—

(A) the sum of—

(i) the funds authorized to be appropriated by this Act or otherwise available for fiscal year 2010 for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft; and

(ii) the funding levels for the advance procurement and procurement of such aircraft for fiscal years 2011 through 2013 proposed by the Secretary of Defense in the future-years defense program for fiscal year 2011 submitted under section 221 of title 10, United States Code; and

(B) the funds required to execute the multiyear contracts for the advance procurement of such aircraft under this section.

"(4) EXTENSION OF CERTIFICATION.—In subparagraph (C) of section 8008(b) of the Defense Appropriations Act, 2010 (Public Law 111–118; 10 U.S.C. 2306b note) is amended by inserting after "within 30 days of enactment of this Act" the following in case of a multiyear contract for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft, by the date that is not less than 30 days prior to the commencement of the contract.

"(i) the funds authorized to be appropriated by this Act or otherwise available for fiscal year 2010 for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft; and

(b) FUNDING CERTIFICATION.—Paragraph (1) of section 8008 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 10 U.S.C. 2306b note) is amended by inserting after "within 30 days of enactment of this Act" the following:

"(i) the funds authorized to be appropriated by this Act or otherwise available for fiscal year 2010 for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft; and

"(ii) the funding levels for the advance procurement and procurement of such aircraft for fiscal years 2011 through 2013 proposed by the Secretary of Defense in the future-years defense program for fiscal year 2011 submitted under section 221 of title 10, United States Code; and

"(iii) the funds required to execute the multiyear contracts for the advance procurement of such aircraft under this section.

SEC. 123. REPORT ON NAVAL FORCE STRUCTURE AND MISSILE DEFENSE.

(a) REPORT.—Not later than March 1, 2011, the Secretary of the Navy, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a report on the procurement of the 16 combatant surface vessels with respect to missile defense.

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

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

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

(c) The number of Aegis ships needed by each combatant commander to fulfill ballistic missile defense requirements, including (in consultation with the Chairman of the Joint Chiefs of Staff) the number of such ships needed to support the phased, adaptive approach to ballistic missile defense in Europe.

(4) A discussion of the potential effect of ballistic missile defense operations on the ability of the Navy to meet such requirement for each geographic area and for each mission set.

(5) An evaluation of how the Aegis ballistic missile defense capacity contributed to a balanced fleet of adequate size and strength to meet the security needs of the United States.

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

Subtitle D—Air Force Programs

SEC. 131. PRESERVATION AND STORAGE OF UNIQUE TOOLS FOR F–22 FIGHTER AIRCRAFT.

Subtitle section (b) of section 133 of the National Defense Authorization Act for Fiscal Year 2010
SEC. 141. LIMITATION ON PROCUREMENT OF F-35 LIGHTNING II AIRCRAFT.

(a) LIMITATION.—Except as provided in subsection (c), of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for aircraft procurement, Navy, for F-35 Lightning II aircraft, not more than an amount necessary for the procurement of 30 such aircraft may be obligated or expended unless:

(1) the certifications under subsection (b) are received by the congressional defense committees on or before January 15, 2011; and

(2) more than 30 days has elapsed after the date of such receipt.

(b) CERTIFICATIONS.—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F-35 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F-35 aircraft for fiscal year 2013;

(D) block 1.0 software has been released and is in flight test;

(E) the Secretary of Defense has—

(i) determined that two F-35 aircraft from low-rate initial production 1 have established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(F) the cost and schedule for the advance procurement of F-136 engines for fiscal years 2009 and 2010 have either been obligated or the Secretary of the Treasury has submitted a reprogramming action to the congressional defense committees that would reprogram such funds to meet other F-136 development requirements; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) each of the 10 F-35 aircraft designated as CF-1 has effectively accomplished its first flight;

(B) the 394 F-35 aircraft test flights planned in the schedule to occur during 2010 have been completed with the results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished;

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters;

(E) six F136 engines have been made available for testing; and

(F) not more than 1,000 test hours have been completed in the F136 system development and demonstration program.

(c) WAIVER.—After January 15, 2011, the Secretary of Defense may waive the limitation in subsection (a) if—

(1) the written certification described in subsection (b)(1) is submitted by the Under Secretary of Defense for Acquisition, Technology, and Logistics not later than January 15, 2011;

(2) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the congressional defense committees that the failure to fully achieve the milestones described in subsection (b)(2) will not—

(A) delay or otherwise negatively affect the F-35 aircraft available for fiscal year 2011;

(B) impede production of 42 F-35 aircraft in such fiscal year; and

(C) otherwise increase risk to the F-35 aircraft program.

(3) A period of 30 days has elapsed after the date on which the certification under paragraph (2) is submitted to the congressional defense committees.

(d) SCHEDULE DEFINED.—In this section, the term ‘schedule’ means the F-35 Lightning II time line considered and updated by the House and Senate congressional defense committees on March 15, 2010.

SEC. 142. LIMITATIONS ON BIOMETRIC SYSTEMS DEVELOPMENT.

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

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

(A) to implement subparagraphs (A) through (F) of paragraph (16) of the National Security Presidential Directive dated June 5, 2008 (NSPD–39);

(B) to implement the recommendations of the Comptroller General of the United States included in the report of the Comptroller General numbered GAO–08–949 dated October, 2008;

(C) to ensure that an official of the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics is programmed, budgeted, and authorized for fiscal year 2011 for the use of the Department of Defense biometrics program; and

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

(2) the Department of Defense has—

(A) prioritized the funding of such initiatives according to such means.


(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

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

SEC. 143. STUDY ON LIGHTWEIGHT BODY ARMOR.

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

(1) assess the effectiveness of the processes used by the Secretary to identify and examine the requirements for lighter weight body armor systems and determine ways in which the Secretary may more effectively address the research, development, and procurement requirements regarding reducing the weight of body armor;

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

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

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

(3) coordination, tracking, and acquisition funding dedicated specifically for reducing the weight of body armor.

(c) COMPREHENSIVE DATABASE.—In this section, the term ‘comprehensive database’ means any project, program, or research activity funded by any component of the Department of Defense for Acquisition, Technology, and Logistics (acting through the Director of the Joint Improvised Explosive Device Defeat Organization, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Secretary of the Navy) that allows for scalable protection levels for various missions and threats; and

(d) ESTABLISHMENT.—The Secretary of Defense shall establish a comprehensive database to ensure its interoperability, completeness, and consistency, and to ensure that such database—

(1) is maintained and updated by the Under Secretary of Defense for Acquisition, Technology, and Logistics not later than January 15, 2011; and

(2) is improved on the basis of information in the Joint Improvised Explosive Device Defeat Organization database.

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:
SEC. 211. REPORT REQUIREMENTS FOR REPLACEMENT PROGRAM OF THE OHIO-CLASS BALLISTIC MISSILE SUBMARINE.

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

(1) The sea-based strategic deterrence provided by the ballistic missile submarine force of the Navy has been essential to the national security of the United States since the deployment of the first ballistic missile submarine, the USS George Washington SSBN 598, in 1960.

(2) Since 1960, a total of 59 submarines have served in the Ohio-class force to provide the sea-based strategic deterrence.

(3) As of the date of the enactment of this Act, the sea-based strategic deterrence is provided by the tremendous capability of the 14 ships of the Ohio-class submarine force, which have been the primary sea-based deterrent force for more than four decades.

(4) Ballistic missile submarines are the most survivable asset in the arsenal of the United States in the event of a surprise nuclear attack on the United States, being submersible for months at a time, these submarines are virtually undetectable to any adversary and therefore in-vulnerable to attack, thus providing the submarines with the ability to respond with significant force against any adversary who attacks the United States or its allies.

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

(1) as Ohio-class submarines reach the end of their service life and are retired, the United States will need to provide a robust sea-based deterrence strategy that includes consideration of different types and sizes of submarines, different types and sizes of missile systems, the number of submarines required to provide such deterrence, and the cost of each alternative;

(2) prior to requesting more than $1,000,000,000 in research and development funding to develop a replacement for the Ohio-class submarine force in advance of a Milestone A decision, the Secretary of Defense should have made available to Congress the guidance issued by the Director of Cost Assessment and Performance Evaluation with respect to the analysis of alternative capabilities and the results of such analysis;

(c) LIMITATION.—

(1) REPORT.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 or any fiscal year thereafter, the Secretary of Defense shall ensure in the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.

Subtitle C—Missile Defense Programs

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR MISSILE DEFENSEES IN EUROPE.

(a) LIMITATION ON CONSTRUCTION AND DEPLOYMENT OF SYSTEMS.—No funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for site construction, preparation of equipment for, or deployment of a medium-range or long-range missile defense system in Europe until—

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

(2) any nation signing a missile defense basing agreement is a treaty ally or has been notified by the Secretary of Defense in writing that all funds made available for fiscal year 2011 or the continued development and procurement of a competitive propulsion system for the F–35 Lightning II aircraft have been obligated.

(b) LIMITATION ON PROCUREMENT OR DEPLOYMENT OF INTERCEPTORS.—No funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for the procurement (other than initial long-lead procurement) or deployment of operational missiles of a medium-range or long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees the report on the independent assessment of alternative missile defense systems in Europe required by section 235 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2230) and the report on the independent assessment of alternative missile defense systems in Europe required by section 236 of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 3788).
(1) the new phased, adaptive approach to missile defense in Europe, announced by the President on September 17, 2009, should be supported by sound analysis, program plans, schedules, and testing. We believe that it could provide the following:

(2) the cost, performance, and risk of such approach to missile defense should be well understood;

(3) Congress should have access to information regarding the analyses, plans, schedules, technologies, cost, performance, and risk of such approach to missile defense in order to conduct effective oversight.

(b) REPORT REQUIRED.—

(1) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the phased, adaptive approach to missile defense in Europe.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A discussion of the analyses conducted by the Secretary of Defense preceding the announcement of the phased, adaptive Approach to missile defense in Europe on September 17, 2009, including:

(i) a description of any alternatives considered;

(ii) the criteria used to analyze each such alternative; and

(iii) the result of each analysis, including a description of the criteria used to judge each alternative.

(B) A discussion of any independent assessments or reviews of alternative approaches to missile defense in Europe considered by the Secretary in support of the announcement of the phased, adaptive approach to missile defense in Europe, including:

(i) the composition, basing locations, and quantities of ballistic missile defense assets, including ships, batteries, interceptors, radars and other sensors, command and control nodes;

(ii) program schedules and site-specific schedules with task activities, test plans, and knowledge and decision points;

(iii) technology maturity levels of missile defense assets and plans for retiring technical risks;

(iv) planned performance of missile defense assets and defended area coverage, including sensitivity analysis to various basing scenarios and varying threat capabilities (including simple and complex threats, nuclear and non-nuclear, liquid and solid-fueled ballistic missiles, and varying raid sizes);

(v) operational concepts and how such operational concepts effect force structure and inventories;

(vi) total cost estimates and funding profiles, by year, for acquisition, fielding, and operations and support; and

(vii) acquisition strategies.

(C) GAO.—The Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report required under subsection (b)(1) is to include:

(i) the result of each analysis, including a description of the criteria used to judge each alternative;

(ii) the composition, basing locations, and quantities of ballistic missile defense assets, including ships, batteries, interceptors, radars and other sensors, command and control nodes;

(iii) program schedules and site-specific schedules with task activities, test plans, and knowledge and decision points;

(iv) technology maturity levels of missile defense assets and plans for retiring technical risks;

(v) planned performance of missile defense assets and defended area coverage, including sensitivity analysis to various basing scenarios and varying threat capabilities (including simple and complex threats, nuclear and non-nuclear, liquid and solid-fueled ballistic missiles, and varying raid sizes);

(vi) operational concepts and how such operational concepts effect force structure and inventories;

(vii) total cost estimates and funding profiles, by year, for acquisition, fielding, and operations and support; and

(viii) acquisition strategies.

SEC. 224. HOMELAND DEFENSE HEDGING POLICY.

(a) FINDINGS.—Congress finds the following:

(1) As noted by the Director of National Intelligence, testifying before the Senate Select Committee on Armed Services on February 2, 2010, Iran's long-range Iranian regime continues to float UN Security Council resolutions on its nuclear program. . . . we judge Iran would likely choose missile defense as its preferred method of delivering a nuclear weapon. Iran already has the largest inventory of ballistic missiles in the Middle East and continues to expand the scale, reach, and sophistication of its ballistic missile forces—many of which are inherently capable of carrying a nuclear payload.

(2) The United States has a report on the Military Power of Iran, dated April 2010, states that, “with sufficient foreign assistance, Iran could probably develop and test an intercontinental ballistic missile (ICBM) capable of reaching the United States by 2015. Iran could also have an intermediate-range ballistic missile (IRBM) capable of threatening Israel. Iran would face significant funding requirements to do so.”

(b) ASSESSMENT.—The Secretary of Defense shall submit to the congressional defense committees a report assessing the report required under subsection (a) is to include:

(1) the new phased, adaptive approach to missile defense in Europe on September 17, 2009.

(2) a description of the criteria used to judge each alternative;

(3) the result of each analysis, including a description of the criteria used to judge each alternative.

(4) The planned capabilities of the homeland defense elements, if different from the capabilities under paragraph (3).

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

(3) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(4) The number of interceptor missiles necessary for operational effectiveness (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(b) ELEMENTS.—The study under subsection (a) shall include, at a minimum, the following:

(1) An assessment of the missile defense capability, force structure, and inventory sufficiency required to the combating command's requirements based on the threat assessment and operational plans for each combatant command.

(2) A discussion of the infrastructure necessary to support the combatant command's requirements based on the threat assessment and operational plans for each combatant command.

SEC. 225. INDEPENDENT ASSESSMENT OF THE PLAN FOR THE HOME- LAND AGAINST THE THREAT OF BAL- LISTIC MISSILES.

(a) FINDING.—Congress finds that section 2 of the National Missile Defense Act of 1999 (Public Law 106–30; 10 U.S.C. 2431 note) states that it is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense System capable of defending the territory of the United States against limited ballistic missile attack (whether accidential, unauthorized, or deliberate) with fund- ing subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

(b) REQUIREMENTS.—The Secretary of Defense shall contract with an independent entity to conduct an assessment of the plans of the Sec- retary for defending the territory of the United States against the threat of ballistic missiles, including electromagnetic pulse attacks, as such plans are described in the Ballistic Missile Defense Review submitted to Congress on February 1, 2010. The report submitted to Congress under section 232 of the Na- tional Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2332).

(c) E LEMENTS.—The study required by subsection (b) shall include an assessment of the following:

(1) A description of the criteria used to judge each alternative.

(2) The ballistic missile threat, including electromagnetic pulse attacks, against which the homeland defense elements are intended to defend, including mobile or fixed threats that might arise from non-state actors and accidental or unauthorized launches.

(3) The military requirements for defending the territory of the United States against such missile threats.

(4) The capabilities of the missile defense elements available to defend the territory of the United States as of the date of the assessment.

(5) The planned capabilities of the homeland defense elements, if different from the capabilities under paragraph (3).

(6) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(7) The number of interceptor missiles necessary for operational effectiveness (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(b) ELEMENTS.—The study under subsection (a) shall include, at a minimum, the following:

(1) An assessment of the missile defense capability, force structure, and inventory sufficiency required to the combating command's requirements based on the threat assessment and operational plans for each combatant command.

(2) A discussion of the infrastructure necessary to support the combatant command's requirements based on the threat assessment and operational plans for each combatant command.
(3) An analysis of mobile and fixed missile defense assets.

(c) REPORT.—

(1) IN GENERAL.—At or about the same time the budget of the President for fiscal year 2012 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees for such fiscal year a report on the progress of the Army in satisfying the requirements of the Ground Combat Vehicle program, comparing the funding programmed for the program with respect to the standard missile system—

(2) FORM.—The report shall be in unclassified form, except as classified annex.

SEC. 227. REPORTS ON STANDARD MISSILE SYSTEM.

(a) REPORTS.—Not later than 90 days after the date of enactment of this Act, and each 180-day period thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the standard missile system, particularly with respect to—

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

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

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

(1) A detailed discussion of the modernization, capabilities, and limitations of the standard missile system.

(2) A review of the standard missile’s compensation capability against all expected threats.

(3) A report on the progress of complementary systems, including, at a minimum, radar systems, and advancing the capitalization of supporting software and hardware.

(4) Any industrial capacities that must be maintained to ensure adequate manufacturing of standard missile technology and production ratio.

Subtitle D—Reports

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

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

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

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

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

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

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

(a) COST BENEFIT ANALYSIS REQUIRED.—

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

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

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

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

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

(b) REPORT.—Not later than 30 days after the date on which the report under subsection (a) is completed, the Secretary shall submit to the congressional defense committees a report on the review.

Subtitle E—Other Matters

SEC. 241. ESCALATION OF FORCE CAPABILITIES.

(a) NON-LETHAL DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of Operational Test and Evaluation and in consultation with the Executive Agent for the Non-Lethal Weapons Office, shall carry out a program to operationally test and evaluate non-lethal weapons that provide counter-personnel escalation of force options to members of the armed forces or coalition forces in support of a contingency operation.

(b) TECHNOLOGY TESTED.—Technologies evaluated under subsection (a) shall include crowd control, area denial, space clearing, and personnel incapacitation tools.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that—

(1) evaluates operational and situational suitability for each non-lethal weapon tested;

(2) defines the tactics, techniques, and procedures approved for deployment of each non-lethal weapon by service; and

(3) identifies deployment schemes for each type of non-lethal weapon by service; and

(d) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent budget, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for non-lethal weapons.

SEC. 242. PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

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

(b) FUNDING.—Of the amounts authorized to be appropriated by this Act for research, development, test, and evaluation, for development of each non-lethal weapon tested; and

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

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

(e) DEFINITIONS.—In this section:

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

(2) The term ‘technology protection features’ means the technical modifications necessary to protect critical program information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.
SEC. 243. PILOT PROGRAM ON COLLABORATIVE ENERGY SECURITY.

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

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

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

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

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

(4) Initial energy, grid, and other offices and agencies within the Department of Defense and other offices and agencies within the Department of Energy in order to incorporate into operating environments.

(c) PROGRAM ELEMENTS.—The pilot program shall be carried out as follows:

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

(2) The pilot program shall involve collaboration with the Office of Electric Delivery and Energy Reliability of the Department of Energy and other offices and agencies within the Department of Energy, as appropriate, and the Environmental Security Technical Certification Program of the Department of Defense.

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

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

(5) The term “national laboratory” means—

(A) a national laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 15801)); or

(B) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (42 U.S.C. 8247)).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

(1) For the Army, $34,232,221,000.

(2) For the Navy, $37,976,443,000.

(3) For the Marine Corps, $5,565,340,000.

(4) For the Air Force, $36,684,588,000.

(5) For Defense-wide activities, $30,200,596,000.

(6) For the Army Reserve, $2,942,077,000.

(7) For the Naval Reserve, $1,374,764,000.

(8) For the Marine Corps Reserve, $287,234,000.

(9) For the Air Force Reserve, $3,311,827,000.

(10) For the Army National Guard, $6,628,525,000.

(11) For the Air National Guard, $5,980,139,000.

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

(13) For the Acquisition Development Workforce Fund, $229,581,000.

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

(15) For Environmental Restoration, Navy, $394,867,000.

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

(17) For Environmental Restoration, Defense-wide, $108,022,000.

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

(19) For Overseas Humanitarian, Disaster, and Civic Operations, $108,022,000.

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

Subtitle B—Energy and Environmental Provisions

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

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in section (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of the Air Force may transfer to the Hazardous Substance Superfund not more than $3,631,570.67 for fiscal year 2011.

(2) PURPOSE OF REIMBURSEMENT.—A transfer made under paragraph (1) is provided for in an interagency agreement entered into by the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987.

SOURCE OF FUNDS.—A payment under subsection (a) shall be made using funds authorized to be appropriated for fiscal year 2011 to the Department of Defense for operation and maintenance for Environmental Restoration, Army.

(b) USE OF FUNDS.—The Environmental Protection Agency shall use the amounts transferred under subsection (a) to pay costs incurred by the Agency at the Twin Cities Army Ammunition Plant.

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

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

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

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

SEC. 313. TESTING AND CERTIFICATION PLAN FOR OPERATIONAL USE OF AN AVIATION BIOFUEL DERIVED FROM MATERIALS THAT DO NOT COMPETE WITH FOOD STOCKS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a testing and certification plan for the operational use of a biofuel that—

(1) is derived from materials that do not compete with food stocks; and

(2) is suitable for use for military purposes as an aviation fuel or in an aviation-fuel blend.
SEC. 314. REPORT IDENTIFYING HYBRID OR ELECTRIC PROPULSION SYSTEMS AND OTHER FUEL-SAVING TECHNOLOGIES FOR INCORPORATION INTO TACTICAL MOTOR VEHICLES.

(a) IDENTIFICATION OF USABLE ALTERNATIVE TECHNOLOGIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall take into consideration each of the following:

(1) an internal combustion or heat engine using combustible fuel; and

(2) a rechargeable energy storage system.

Subtitle C—Workplace and Depot Issues

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

Section 2309a(c)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after the first sentence the following new sentence: “The guidance shall—

(a) establish criteria for defining standard in entering into contracts for the performance of services; or

(b) task order or delivery order issued under such a contract; and

(c) identify organizations that can carry out the certifications.

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


SEC. 323. PILOT PROGRAM ON BEST VALUE FOR CONTRACTS FOR PRIVATE SECURITY FUNCTIONS.

(a) PILOT PROGRAM AUTHORIZED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program under which the Secretary shall implement a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq.

(1) Past performance.

(2) Quality.

(3) Management expertise.

(4) Technical approach.

(5) Experience of key personnel.

(6) Development structure.

(7) Risk.

(b) Pilot program may not be awarded unless the contracting officer for the contract justifies in writing the reason for the award of the contract.

(c) ANNUAL REPORT.—Not later than January 15 of each year the pilot program under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees an unclassified report containing each of the following:

(1) A list of any covered contract awarded for private security functions in Afghanistan and Iraq under the pilot program.

(2) A description of the matters that the Secretary of Defense took into consideration, in addition to, in awarding each such contract.

(3) Any additional information or recommendations appropriate to include with respect to the pilot program, the contracts awarded under the pilot program, or the considerations for evaluating such contracts.

(d) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to carry out a covered contract, of personnel, facilities, or property of a Federal agency, the contractor, a subcontractor of a contractor, or a third party.

SEC. 324. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.

(a) THIRD-PARTY CERTIFICATION POLICY GUIDELINES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue, as a condition for award of a covered contract for the provision of private security functions, that each contractor receive certification from a third party that the contractor is meeting operational and business practice standards. The guidance shall—

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense.

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs; and

(3) identify organizations that can carry out the certifications.

(b) REGULATIONS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue, as a condition for award of a covered contract for the provision of private security functions, that each contractor receive certification from a third party that the contractor is meeting operational and business practice standards. The guidance shall—

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense.

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs; and

(3) identify organizations that can carry out the certifications.

(c) TASK ORDER OR DELIVERY ORDER ISSUED UNDER SUCH A CONTRACT; AND

(d) A subcontract at any tier under such contract.
SEC. 332. ADDITIONAL REPORTING REQUIREMENTS RELATING TO CORROSION PREVENTION PROJECTS AND ACTIVITIES.

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

(1) in paragraph (1)—

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

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

"(C) each report under subsection (a) shall include all of the following:

(i) the total amount of funds requested, and the amount of funds obligated, for each project or activity described in paragraphs (2) and (3) of section 2228 of title 10, United States Code, for the fiscal year covered by the report and the preceding fiscal year, the amount of funds requested in the budget for each project or activity described in subparagraph (E) compared to the funding requirements for the project or activity;"

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

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

"(3) Each report under this section shall include, in an annex to the report, a copy of the annual corrosion report most recently submitted by the corrosion control and prevention executive of each military department under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 111-117; 124 Stat. 4667; 10 U.S.C. 2228 note)."

SEC. 333. MODIFICATION AND REPEAL OF CERTAIN REPORTING REQUIREMENTS.


(1) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(2) in subsection (d), as so redesignated, by striking "or (d)".


(c) REPEAL OF REPORT ON READINESS OF GROUND FORCES.—Title III of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 353.

SEC. 334. REPORT ON AIR SOVEREIGNTY ALERT MISSION.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the Air Sovereignty Alert mission (hereinafter in this section referred to as "ONE").

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

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

(1) An evaluation of the current ASA mission and ONE.

(2) An evaluation of each of the following:

(A) The current ability to perform the mission with regards to training, equipment, funding, and military construction.

(B) Any current deficiencies in the mission.

(C) Any changes in threats which would allow for any change in number of ASA sites or force structure required to perform the mission.

(D) Future ability to perform the ASA mission with current and programmed equipment.

(E) Coverage of units with respect to—

(i) population centers covered;

(ii) targets of value covered, including symbolic (national monuments, sports venue, and centers of commerce), critical infrastructure (nuclear power plants, telecommunication nodes) and national security (military bases and organs of government); and

(iii) an unclassified, notional area of responsibility conforms to the classified requirements for the time represented graphically on a map and detailing total population covered and number of targets described in clause (ii).


(d) MEANS OF DELIVERY OF REPORT.—The report required by subsection (a) shall be unclassified, and NORTHCOM shall brief the Committees on Armed Services of the Senate and House of Representatives at the appropriate classification level.

SEC. 335. REPORT ON THE SEAD/DEAD MISSION REQUIREMENT FOR THE AIR FORCE.

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

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

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

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

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

(B) Any current deficiencies of the Air National Guard used to perform the mission.

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

(D) The need for SEAD/DEAD ranges to be controlled on existing ranges operated, controlled, or used by Air National Guard units based on geographic considerations of proximity and utility.

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

Subtitle E—Limitations and Extensions of Authority

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

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

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

SEC. 342. IMPROVEMENTS AND EXTENSIONS OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) IMPROVEMENT.—(1) IN GENERAL.—Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–358; 10 U.S.C. 4551 note) is amended—

(A) in subsection (b), by striking paragraphs (3) and (4) and redesigning paragraphs (5) through (11) as paragraphs (3) through (9), respectively; and

(B) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) PRIORITIZATION OF PROGRAM PURPOSES.—The Secretary of the Army shall—

(1) identify programs within the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–358; U.S.C. 4551 note), as amended by subsection (a)(1)(A); and

(2) issue guidance to the appropriate commands reflecting such priorities.

(c) EXTENSION.—(1) IN GENERAL.—Section 343 of such Act is amended by adding at the end the following new subsection:

"(e) Extens—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Arsenal Support Program Initiative that includes—

(1) the Secretary's determination with respect to the Army's highest priorities from among the
purposes of the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; U.S.C. 6551 note), as amended, that the Secretary of Defense (1) should report to Congress on whether the Arsenal Support Program Initiative (a) redefines the mission of the National Guard and Air National Guard to the Air Force, and (2) is necessary for the Air National Guard to the Air Force.

SEC. 344. LIMITATION ON OBLIGATION OF FUNDS FOR THE ARMY HUMAN TERRAIN SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated for the Human Terrain System (hereinafter in this section referred to as the “HTS”) that are described in subsection (b), not more than 90 percent may be obligated until the Secretary of the Army submits to the congressional defense committees a written statement.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—(1) The independent assessment of the HTS called for in the report of the Committee on Armed Services of the House of Representatives accompanying the National Defense Authorization Act for Fiscal Year 2010 (H. Rept. 111-166).

(c) DEADLINE FOR GUIDANCE.—Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committee each of the following:

(1) The number of and type of C-130 aircraft in the fleet of the Air Force.

(2) The locations from which the C-130 aircraft will be transferred.

(3) The manpower planning and certification that such a transfer will result in manpower authorization reductions or rescoring at the Air National Guard facilities identified in paragraph (6).

(d) MANNER BY WHICH AIR NATIONAL GUARD PERSONNEL ARE AUTHORIZED TO TRANSFER.—The manner by which Air National Guard personnel affected by the transfer will maintain their skills and proficiencies in order to preserve readiness at the affected units.

 SEC. 345. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2011 for the Office of the Secretary of Defense for budget activity four, line 270, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

SEC. 346. LIMITATION ON RETIREMENT OF C-130 AIRCRAFT FROM AIR FORCE INVENTORY.

The Secretary of the Air Force may not take any action to retire any C-130 aircraft from the inventory of the Air Force until 30 days after the date on which the Secretary submits to the congressional defense committees a written agreement between the Director of the Air National Guard, the Commander of Air Force Reserve Command, and the Chief of Staff of the Air Force. The agreement shall specify the following:

(1) The number and type of C-130 aircraft to be transferred, on a temporary basis, from the Air National Guard to the Air Force.

(2) The date by which the C-130 aircraft transferred to the Air Force will be returned to the Air National Guard.

(3) A description of the condition, including the estimated remaining service life, in which the C-130 aircraft will be returned to the Air National Guard following the period during which the authorities are in effect.

(4) A description of the allocation of resources, including the designation of responsibility for funding aircraft operations and maintenance, in the event new C-130 aircraft are engaged in sensitive duties that are critical to the national security, and any action to ensure a C-130 aircraft is available for transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance.

(5) The designation of responsibility for funding depot maintenance requirements or modifications to the aircraft during the period the aircraft are on loan with the Air Force, or otherwise engaged in sensitive defense missions.

(6) The locations from which the C-130 aircraft will be transferred.

(7) The manpower planning and certification that such a transfer will not result in manpower authorization reductions or rescoring at the Air National Guard facilities identified in paragraph (6).

(8) The manner by which Air National Guard personnel affected by the transfer will maintain their skills and proficiencies in order to preserve readiness at the affected units.

(9) Any other information, including fired cartridge cases, which is not otherwise prohibited from commercial sale or destroyed, and shall not be available for commercial sale.

(10) The Secretary of Defense may use funds authorized to be appropriated for fiscal year 2011, including such amounts authorized to be appropriated for overseas contingency operations, for—

(1) Operation and maintenance for HTS;

(2) Research, development, test, and evaluation for HTS;

(3) Research, development, test, and evaluation for Mapping the Human Terrain hardware and software; and

(4) Operational and maintenance for HTS.

SEC. 347. COMMERCIAL SALE OF SMALL ARMS AMMUNITION IN EXCESS OF MILITARY REQUIREMENTS.

(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION.—Small arms ammunition and ammunition components in excess of military requirements, including fired cartridge cases, which is not otherwise prohibited from commercial sale or destroyed, and shall not be available for commercial sale.

(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a).

 SEC. 348. LIMITATION ON AIR FORCE FISCAL YEAR 2011 FORCE STRUCTURE ANNOUNCEMENT IMPLEMENTATION.

None of the amounts authorized to be appropriated in this title for fiscal year 2011 for the Office of the Secretary of Defense may be obligated or expended for the purpose of implementing the Air Force fiscal year 2011 Force Structure Announcement until 45 days after—

(1) The Secretary of the Air Force provides a detailed report to the Committees on Armed Services of the Senate and House of Representatives on the follow-on missions for bases affected by the 2010 Combat Air Force restructure; and

(2) The Secretary of the Air Force certifies to the Committees on Armed Services of the Senate and House of Representatives that the Air Force emergency Alert Mission will be fully resourced with required funding, personnel, and aircraft.
“(e) Transportation of Allied Personnel during Contingencies or Disaster Responses.—(1) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that an emergency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary shall provide such transportation on a noninterference basis, without charge.

(2) Not later than March 1 of each succeeding year in which the Secretary provides transportation under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, in detail, the transportation so provided during that year. Each such report shall include a description of each of the following:

(A) The authority under paragraph (1) was used during the year covered by the report.

(B) The frequency with which such authority was used during that year.

(C) The rationale of the Secretary for each such use of the authority.

(D) The total cost of the transportation provided under paragraph (1) during that year.

(E) The appropriation, fund, or account credited and the total amount received as a result of providing transportation under paragraph (1) during that year.

(f) Conforming Amendment.—Section 2648 of such title is amended by inserting ‘‘, vehicles, or aircraft’’ after ‘‘vessels’’ in the matter preceding paragraph (1).

(g) Technical Amendments.—

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

§2648. Transportation of Allied Personnel: sea, land, and air transportation.

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

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

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

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

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

SEC. 354. TECHNICAL CORRECTION TO OBSOLETE REFERENCE RELATING TO USE OF FLEXIBLE HIRING AUTHORITY TO FACILITATE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS BY CIVILIAN EMPLOYEES.

2643(d)(1) of title 10, United States Code, is amended by striking ‘‘under the National Security Personnel System, as established’’.

SEC. 355. INVENTORY AND STUDY OF BUDGET MODELING AND SIMULATION TOOLS.

(a) Inventory.—

(1) INVENTORY REQUIRED.—The Comptroller General of the United States shall perform an inventory of all modeling and simulation tools used by the Department of Defense to develop and analyze the Department’s annual budget submission and to support decision making inside the budget process. In carrying out the inventory, the Comptroller General shall identify the purpose, scope, and levels of validation, verification, and accreditation of each such model and simulation tool.

(2) REPORT.—Not later than December 1, 2010, the Comptroller General shall submit to the Comptroller General a report on the inventory under paragraph (1) and the findings of the Comp
troller General in carrying out the inventory.

(b) Study.—

(1) STUDY REQUIRED.—By not later than January 15, 2011, the Secretary of Defense shall seek to enter into a contract with a federally

funded research and development center to carry out a study examining the requirements for and capabilities of modeling and simulation tools used by the Department of Defense to support the annual budget process. A contract entered into under this paragraph shall specify that in carrying out the study, the center shall—

(A) use the inventory performed by the Com
troller General under subsection (a) as a base

line;

(B) examine the efficacy and sufficiency of the modeling and simulation tools used by the Department of Defense to support the development, analysis, and decision-making associated with the construction and validation of requirements used as a basis for the annual budget process of the Department;

(C) examine the requirements and any capa

bility gaps with respect to such modeling and simulation tools;

(D) provide recommendations as to how the Department should best address the requirements and fill the capability gaps identified under subparagraph (C); and

(E) identify annual investment levels in modeling and simulation tools and certifications required to achieve a high degree of confidence in the relationship between the Department’s mission effectiveness and the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for a fiscal year;

(F) examine the verification, validation, and accreditation requirements for each of the military services and provide recommendations with respect to establishing uniform standards for such requirements across all of the military services; and

(G) recommend improvements to enhance the confidence, efficacy, and sufficiency of the modeling and simulation tools used by the Department of Defense in the development of the annual budget.

(2) REPORT.—Not later than January 1, 2012, the chief executive officer of the center that carries out the study under paragraph (1) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the study.

SEC. 356. SENSE OF CONGRESS REGARDING CONTINUED IMPORTANCE OF HIGH-ALTITUDE AVIATION TRAINING SITE.

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

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

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

(b) Sense of Congress.—(1) It is the sense of Congress that—

(A) for the High-Altitude Army Aviation Training Site continues to be critically important to ensuring the readiness and capabilities of rotor

wing military pilots; and

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

SEC. 357. DEPARTMENT OF DEFENSE STUDY ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED G ENVIRONMENT.

(a) Study Required.—The Secretary of Defense shall conduct a study on the effectiveness of simulated tactical flight training in a sustained g environment. In conducting the study, the Secretary shall include all relevant factors, including each of the following:

(1) Training effectiveness.

(2) Cost reductions.

(3) Safety.

(4) Research benefits.

(5) Carbon emissions reduction.

(b) Lifestyles of training aircraft.

(c) Submission to Congress.—Upon completion of a study required by subsection (a), the Secretary shall submit the results of the study to the congressional defense committees.

(2) MILITARY INSTALLATIONS AND OPERATIONS IMPACT STUDY.—

(a) Designation of Department of Defense Organization.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a single organization within the Department of Defense to serve as the executive agent to carry out the study required by subsection (b);

(b) Period of the study.—The Secretary shall carry out the study pursuant to a contract under section 44718 of title 49, United States Code, and received by the Department of Defense from the Secretary of Transportation; and

(c) Effect of Department of Defense Hazard Assessment.—A notice under subsection (a)(3) or (b) shall not be considered to be a substitute for any assessment required by the Secretary of Transportation under section 44718 of title 49, United States Code.

(d) Military Installation and the findings of the study.

(e) Definitions.—In this section:

(1) The term ‘‘military training route’’ means an area identified pursuant to the study under paragraph (1). Such areas shall be known as ‘‘military mission impact zones’’.

(f) Effect of Department of Defense Hazard Assessment.—A notice under subsection (a)(3) or (b) shall not be considered to be a substitute for any assessment required by the Secretary of Transportation under section 44718 of title 49, United States Code.

(g) Military Installation and the findings of the study.

(h) Military Mission Impact Zones.—The Secretary of Defense shall publish a notice of the areas identified pursuant to the study under paragraph (1). Such areas shall be known as ‘‘military mission impact zones’’.

(i) Effect of Department of Defense Hazard Assessment.—A notice under subsection (a)(3) or (b) shall not be considered to be a substitute for any assessment required by the Secretary of Transportation under section 44718 of title 49, United States Code.
(3) The term “military installation” has the meaning given to that term in section 2801(c)(4) of title 10, United States Code.

(4) The term “military operation” means military operations over air space, including high value military training routes, air defense radars, special use airspace, learning areas, and other military-related systems.

TITLES

TITLE I—MILITARY PERSONNEL AUTORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 569,400.
(2) The Navy, 323,700.
(3) The Marine Corps, 202,100.

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

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

“(1) For the Army, 347,400.
(2) For the Navy, 324,300.
(3) For the Marine Corps, 202,100.
(4) For the Air Force, 332,290.”

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

(1) The Army National Guard of the United States, 358,200.
(2) The Army Reserve, 295,000.
(3) The Navy Reserve, 63,500.
(4) The Marine Corps Reserve, 29,600.
(7) The Coast Guard Reserve, 10,000.

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

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

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

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

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

(1) The Army National Guard of the United States, 32,060.
(2) The Army Reserve, 16,261.
(3) The Navy Reserve, 10,888.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,584.

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

(a) LIMITATIONS.—

(1) The Army National Guard of the United States, 2,992.
(2) The Air Force Reserve, 2,992.

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

(1) by striking paragraph (1), by striking the “officer will be performing duties consisting primarily of notifying these officials of the actions of other officers and other soldiers’ duties;” and inserting the “officer—”

“(A) will be performing duties consisting primarily of notifying these officials of the actions of other officers and other soldiers’ duties; or

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

(2) in paragraph (2)—

“(A) by striking “or” at the end of subparagraph (B);”

“(B) by striking the period at the end of subparagraph (C) and inserting “;”;

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

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

“(i) providing health-care-related services;

“(ii) performing other clinical care; or

“(iii) performing health-care-related administrative duties.”

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

(a) REGULAR OFFICERS.—

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

(2) APPOINTING AUTHORITY.—The second sentence of section 571(b) of such title is amended by inserting before the period at the end the following:

“(b) Appointments in the grade of warrant officer, W-1 (whether by warrant or commission) shall be made by the President, except that appointments in that grade in the Commandant of the Coast Guard shall be made by the Secretary of Homeland Security when it is not operating as a service in the Department of the Navy”.

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

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

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

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

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

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

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

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

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

“(c) APPLICABILITY.—This section applies to all selection boards convened under section 573, 611, or 628 of this title, regardless of the date on which the board was convened.”

(b) RESERVE BOARDS.—Section 628(c)(2) of such title is amended by striking “sections 576(d) and 576(f)” and inserting “sections 576(d), 576(f), and 631a.”

(c) RESERVE BOARDS.—Section 14104 of such title is amended—

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

“(a) A CTIVE DUTY.—Section 629 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsection:

“(d) ADMINISTRATIVE REMOVAL.—If an officer on the active-duty list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer shall be administratively removed from the zone of consideration and not recommended for promotion to a higher grade under regulations prescribed by the Secretary concerned.”

(b) RESERVE ACTIVE-STATUS LIST.—Section 14120 of such title is amended—

(1) by redesignating subsection (a) as subsection (b); and

(2) by inserting after subsection (c) the following new subsection:

“(d) ADMINISTRATIVE REMOVAL.—If an officer on the reserve active-status list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer shall be administratively removed from the zone of consideration and not recommended for promotion to a higher grade under regulations prescribed by the Secretary concerned.”

SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM LIST OF OFFICERS RECOMMENDED FOR PROMOTION.

(a) ACTIVE-DUTY LIST.—Section 629 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsection:

“(d) ADMINISTRATIVE REMOVAL.—If an officer on the active-duty list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer shall be administratively removed from the zone of consideration and not recommended for promotion to a higher grade under regulations prescribed by the Secretary concerned.”

(b) RESERVE ACTIVE-STATUS LIST.—Section 14120 of such title is amended—

(1) by redesignating subsection (a) as subsection (b); and

(2) by inserting after subsection (c) the following new subsection:

“(d) ADMINISTRATIVE REMOVAL.—If an officer on the reserve active-status list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer shall be administratively removed from the zone of consideration and not recommended for promotion to a higher grade under regulations prescribed by the Secretary concerned.”

SEC. 505. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION LIMITS ON NAVY RESERVE TECHNICIANS.

(a) ACTIVE-DUTY LIST.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following new paragraph:

“(2) Each member of the board shall be senior in rank or grade to the officer being required to show cause for retention in an active status.

(3) At least one member of the board—

(A) shall be in or above the grade of major or lieutenant commander, if the grade of the officer being required to show cause for retention in an active status is below the grade of major or lieutenant commander; or

(B) shall be in a grade above lieutenant colonel or commander, if the grade of the officer being required to show cause for retention in an active status is major or lieutenant commander or above.”

(b) NAVY AND MARINE CORPS.—Section 6323a(a)(2)(B) of such title is amended by striking “January 6, 2006, and ending on December 31, 2009” and inserting “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013.”

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking “‘June 1, 2006, and ending on December 31, 2009” and inserting “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013.”

Subtitle B—Reserve Component Management

SEC. 511. PRESEPARATION COUNSELING FOR MEMBERS OF THE RESERVE COMPON-
ENT.

(a) REQUIREMENT; EXCEPTION.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking “Within” and inserting “(A) Within”;

(B) by striking “each member” and all that follows through the period at the end of the sentence and inserting the following: “of—

“(i) each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; and

“(ii) each member of a reserve component not covered by clause (i) whose discharge or release from service is anticipated as of a specific date.”;

(2) in the second sentence, by striking “A noting of the provision of such counseling” and inserting the following:

“(B) A notation of the provision of preseparation counseling.”

(b) CLARIFICATION OF COVERED MATTERS.—

Subsection (b)(7) of such section is amended by striking “from active duty.”

SEC. 512. MILITARY CORRECTION BOARD REMI-
DIES FOR NATIONAL GUARD MEM-
BERS.

Subsection (a) of section 1552 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “military record of the Secretary’s department” and inserting “military record of an armed force, including reserve components thereof, under the jurisdiction of the Secretary”; and

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

“(2) In the case of a member of the National Guard, the authority to correct any military record of the member under this section extends only to records generated while the member was in National Guard service and does not apply to matters related to State government policy and procedures related to National Guard.”

SEC. 513. REMOVAL OF STATUTORY DISTRIBUTION LIMITS ON RESERVE FLAG OFFICER ALLOCATION.

Section 12004(c) of title 10, United States Code, is amended—

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

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 514. ASSIGNMENT OF AIR FORCE RESERVE MILITARY TECHNICIANS (DUAL STA-
TUS) TO POSITIONS OUTSIDE AIR FORCE RESERVE UNIT PROGRAM.

Section 10216(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(1) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that no more than 50 of such technicians may be assigned outside of the unit program at the same time.”

SEC. 515. TEMPORARY AUTHORITY FOR TEM-
PORARY EMPLOYMENT OF NON-
DUAL STATUS MILITARY TECHNICA-
NS.

Section 10217 of title 10, United States Code, is amended—

(1) by striking paragraphs (2) and (3); and

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

“(3) is hired as a temporary employee pursuant to the exception for temporary employment provided by subsection (d) and subject to the terms and conditions of such subsection.”;

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

“(d) EXCEPTION FOR TEMPORARY EMPLOY-
MENT.—(1) Notwithstanding section 10218 of this title, the Secretary of the Army or the Secretary of the Air Force may, for a period not to exceed two years, a person to fill a vacancy created by the mobilization of a military technician (dual status) occupying a position under section 10216 of this title.

(2) The duration of the temporary employment of a person in a military technician position under this subsection may not exceed the shorter of the following:

[(text continues)]
§ 10301. Reserve Forces Policy Board

(a) FUNCTIONS.—As provided in section 175 of this title and the Office of the Secretary of Defense, the Reserve Forces Policy Board shall:

(1) establish, coordinate, and provide guidance to the Secretary of Defense on matters relating to the Reserve components.

(b) B OARD MEMBERSHIP TRANSITION PROVISIONS.—Such subsection is further amended—

(A) by striking the semicolon at the end of paragraph (1); and

(B) by redesigning paragraphs (2) through (6) of section 10101 of title 10, United States Code, as amended by subsection (a).

(2) In the context of joint matters, the term 'Joint Reserve Officers' refers to military forces that are involved in the planning or execution of both of operations involving participants from—

(A) more than one military department; or

(B) a military department and one or more of the following:

(i) Other departments and agencies of the United States.

(ii) The military forces or agencies of other countries.

(iii) Non-governmental persons or entities.

(c) A CTION ON REPORT OF SELECTION COMMITTEES.—Such subsection is further amended—

(A) by striking paragraph (2) and inserting "at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.";

(B) by redesigning paragraph (2) and inserting—

1. Paragraph (1) applies with respect to an officer who—

(A) is serving in, or has served in, a joint duty assignment;

(B) is serving on, or has served on, the Joint Staff;

(C) is a joint qualified officer.

2. The Secretary of Defense may waive the requirement in paragraph (1) in the case of—

(A) any selection board of the Marine Corps;

(B) any selection board that is considering officers in specialties identified in paragraph (2) or (3) of section 619a(b) of this title.

(d) INFORMATION FURNISHED TO SELECTION COMMITTEES.—Section 615 of such title is amended by striking "in joint duty assignments of officers who are serving, or have served, in such assignments" in subsections (b)(5) and (c) and inserting "of officers who are serving, or have served, on, the Joint Staff or are joint qualified officers".

(e) ACTION ON REPORT OF SELECTION COMMITTEES.—Section 618(b) of such title is amended—

(1) in paragraph (1), by striking "are serving, or have served, in joint duty assignments" and inserting "are serving on, or have served on, the Joint Staff or are joint qualified officers";

(2) in subparagraphs (A) and (B) of paragraph (2), by striking "in joint duty assignments of officers who are serving, or have served, in, joint duty assignments" and inserting "of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers"; and
(3) in paragraph (4), by striking “in joint duty assignments” and inserting “who are serving on, or have served on, the Joint Staff or are joint qualified officers”.

Subtitle D—General Service Authorities

SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN CASE OF HIGH DEMAND, LOW-DENSITY ASSIGNMENTS—

(a) Extension of Authority.—Section 688a(f) of title 10, United States Code, is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

(b) Report Required.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment by the Secretary of the need to extend the authority provided by section 688a of title 10, United States Code, beyond December 31, 2012. The report shall include, at a minimum, the following:

(1) A list of the current types of high-demand, low-density capabilities (as defined in such section) for which the authority is being used to address operational requirements.

(2) A list, including, low-density capability included in the list under paragraph (1), the number of retired members of the Armed Forces who have served on active duty at any time during each of fiscal years 2007 through 2010 under the authority.

(3) A plan to increase the required active duty strength for the high-demand, low-density capability, included in the list under paragraph (1), to eliminate the need to use the authority.

SEC. 532. CORRECTION OF MILITARY RECORDS.

(a) Improved Documentation of Correction of Certificate of Release or Discharge from Active Duty (DD Form 214) to Specifically Identify a Space for Inclusion of Electronic Address—

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a new Block, entitled “(e) Electronic (mail) address after separation’’ in order to permit a member of the Armed Forces to include an email address at which the member may be reached after separation from active service.

(b) In establishing correction procedures under subparagraph (A), the Secretary of a military department shall require that a board established under this section, the Secretary of a military department shall require that the board present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the claimant (or heir or representative) who requested the correction. This requirement applies to a request for correction received after the date of the enactment of this Act.

SEC. 533. MODIFICATION OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) TO SPECIFICALLY IDENTIFY A SPACE FOR INCLUSION OF EMAIL ADDRESS.

SUBSEC. (a).

SUBSEC. (b).

SUBSEC. (c).

SUBSEC. (d).

SEC. 534. RECOGNITION OF ROLE OF FEMALE MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE REVIEW OF MILITARY OCCUPATIONAL SPECIALTIES AVAILABLE TO FEMALE MEMBERS.

(a) Findings.—The Secretary of Defense shall review the military occupational specialties available to female members of the armed forces and report to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the reviews.

(b) Review Required.—The Secretary of Defense shall conduct an annual review of the military occupational specialties available to female members of the armed forces and report to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the reviews.

Subtitle E—Military Justice and Legal Matters

SEC. 541. CONTINUATION OF WARRANT OFFICERS ON ACTIVE DUTY TO COMPLETE DISCIPLINARY ACTION.

(a) In General.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 848. Art. 48. Contemps

(‘‘(a) Authority to punish contempt.—A military judge detailed to a court-martial, a court of inquiry, the Court of Appeals for the Armed Forces, a Court of Criminal Appeals, a provost court, or a military commission (other than a military commission established under chapter 47A of this title) may punish for contempt any person who—

(1) uses any menacing word, sign, or gesture in the presence of the military judge during the proceedings of the court-martial, court, or military commission;

(2) disturbs the proceedings of the court-martial, court, or military commission by any riot or disorder; or

(3) willfully disobeys its lawful writ, process, order, rule, decree, or command.

(b) Punishment.—A person punished for contempt under this section may be confined for not more than 30 days, fined in an amount of not more than $1,000, or both.’’.

(b) Effective Date.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to acts of contempt committed after the date of the enactment of this Act.

SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN MILITARY JUSTICE PROCEEDINGS.

(a) In General.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended by inserting “a military judge established under this chapter” after “a military judge” wherever it appears in this section.

(b) Punishment.—A warrant officer or other officer who is a member of the armed forces and is in active military service may be punished for contempt under this section.

(c) Penalties.—A person punished for contempt under this section may be confined for not more than 30 days, fined in an amount of not more than $1,000, or both.

SEC. 543. LIMITATIONS ON USE IN PERSONNEL ACTION OF INFORMATION CONTAINED IN CRIMINAL INVESTIGATION REPORT OR IN INDEX MAINTAINED FOR LAW ENFORCEMENT RETRIEVAL AND ANALYSIS.

(a) Limitations.—Chapter 53 of title 10, United States Code, is amended by inserting after section 5134 the following new section:

“§ 1034a. Criminal investigative report or index maintained for law enforcement retrieval and analysis: limitations on use in personnel actions

(1) Prohibition on use in personnel actions. Except as provided in subsection (b), information relating to the titling or indexing of a member of the armed forces contained in any criminal investigative report prepared by any entity of the Department of Defense or index maintained by any entity of the Department of Defense for the purpose of potential retrieval and analysis by Department law enforcement organizations may not be used in connection with any personnel action involving the member.

(b) Authorized exceptions. The prohibition in subsection (a) does not preclude the use of information relating to the titling or indexing of a member—

(1) for use in connection with a criminal investigative report or index maintained for law enforcement retrieval and analysis; and

(2) for use in connection with a criminal investigation conducted by the Department of Defense for the purpose of ensuring that female members have the maximum opportunity to serve in any military occupational specialty in the Armed Forces. The Secretary of Defense, in coordination with the Secretaries of the military departments, also shall review the collocation policy and other policies and regulations that restrict the service of female members to determine whether changes are needed, including legislative changes, if necessary, to enhance the ability of women to serve in the Armed Forces.

(2) Submission of Results.—Not later than February 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the reviews.

(b) Review Required.—Not later than April 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the reviews.
“(1) in connection with law enforcement activities; 
(2) in a judicial or administrative action involving the member regarding the alleged offense referred to in the criminal investigative report or index; or 
(3) in a personnel action if— 
(A) the member has been adjudged guilty of the alleged offense referenced in the criminal investigative report or index by military non-judicial or judicial proceedings or by civilian judicial proceedings; 
(B) a record of the proceedings is presented in connection with the personnel action; and 
(C) the member is provided the opportunity to present additional information in response to the record of the proceedings.

(2) DEFINITIONS.—In this section: 
(1) INDEXING.—The term ‘indexing’ refers to the procedure whereby a Department of Defense criminal investigative agency submits identifying information concerning subjects, victims, or incidents of investigations for addition to the Defense Clearance and Investigations Index. 
(2) TITLING.—The term ‘titling’ refers to the process by which a Department of Defense criminal investigative agency places the name of a person in the title block of a criminal investigative report at a time when the agency has credible information that the person committed a criminal offense. A criminal offense is not considered a criminal offense for titling, however, does not constitute a degree of guilt or innocence. 
(3) PERSONNEL ACTION.—The term ‘personnel action’, with respect to a member, means any recommendation, action, or decision impacting or affecting any aspect of the military service of the member.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by adding after the item relating to section 1034 the following new item: 
‘‘1034a. Criminal investigative report or index maintained for law enforcement recovery and analysis: Limitations on use in personnel actions.’’.

SEC. 544. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION. 

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following subsection: 
‘‘208. Child custody protection. 

(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may order modification or amend any previous judgment or order, or issue a new order, that changes the custody arrangements for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child. 

(b) COMPLETION OF DEPLOYMENT.—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).’’

(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child. 

(d) GENERAL REPEAL OR MODIFICATION.—Nothing in this section shall create a Federal right of action.

SEC. 545. IMPROVEMENTS TO DEPARTMENT OF DEFENSE DOMESTIC VIOLENCE PROGRAMS. 

(a) IMMEDIATE ACTIONS REQUIRED.— 

(1) ENTRY OF DATA INTO LAW ENFORCEMENT SYSTEMS.—The Secretary of Defense shall ensure that all command actions related to domestic violence incidents involving members of the Army, Navy, Air Force, or Marine Corps are entered into and shared to all Department of Defense law enforcement systems. 

(2) ISSUANCE OF FAMILY ADVOCACY PROGRAM GUIDANCE.—The Secretary of Defense shall issue Department of Defense Family Advocacy Program guidance. 

(b) IMPLEMENTATION OF OUTSTANDING COMPASS TROLLER GENERAL RECOMMENDATIONS.—Consistent with the recommendations contained in the report of the Comptroller General of the United States titled ‘‘Status of Implementation of GAO’s 2006 Recommendations on the Department of Defense’s Domestic Violence Program’’ (GAO-10-57TR), the Secretary of Defense shall complete, not later than one year after the date of enactment of this Act, implementation of recommendations made by the Defense Task Force on Domestic Violence.

(1) DEFENSE INCIDENT-BASED REPORTING SYSTEM.—The Secretary of Defense shall develop a comprehensive management plan to address deficiencies in the data captured in the Defense Incident-Based Reporting System to ensure the system can provide an accurate count of the domestic violence incidents that are reported throughout the Department of Defense. 

(2) ADEQUATE PERSONNEL.—The Secretary of Defense shall develop a plan to ensure that adequate internal policies and procedures are in place for the collection and management of data, to include— 

(A) in connection with law enforcement activities; 

(3) DOMESTIC VIOLENCE TRAINING DATA FOR CHAPLAINS.—The Secretary of Defense shall develop a plan to collect domestic violence training data for chaplains. 

(4) OVERSIGHT FRAMEWORK.—The Secretary of Defense shall develop an oversight framework for Department of Defense domestic violence programs, to include— 

(a) Overseer of Department of Defense Domestic Violence, Budgeting, and policy compliance. 

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the planned actions required under subsections (a) and (b).

SEC. 546. PUBLIC RELEASE OF RESTRICTED ANNEX OF DEPARTMENT OF DEFENSE REPORT OF THE INDEPENDENT REVIEW RELATED TO FORT HOOD PERTAINING TO OVERSIGHT OF THE ALLEGED PERPETRATOR OF THE NOVEMBER 2009 ATTACK. 

(a) RELEASE REQUIRED.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Defense shall release publicly the annex of the report described in subsection (b) that was part of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood and the attack there on November 5, 2009.

(b) MATERIAL SUBJECT TO RELEASE; EXCEPTION.—The restricted annex referred to in subsection (a) is the document on page 9 of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood, which provided the detailed findings, recommendations, and conclusions of the Independent Review pertaining to the oversight of the alleged perpetrator of the November 2009 attack. No part of the restricted annex shall be exempted from public release, except— 

(1) materials that the Secretary of Defense determines may impair, if disclosed, any criminal investigation or prosecution related to the attack; and 

(2) in accordance with section 1102 of title 10, United States Code, the memorandum summarizing the results of the medical quality assurance records relating to the care provided patients by the alleged perpetrator of the attack.

Subtitle F—Member Education and Training Opportunities and Administration 

SEC. 551. REPAYMENT OF EDUCATION LOAN REPAYMENT BENEFITS. 

(a) ENLISTED MEMBERS ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.—Section 2171 of title 10, United States Code, is amended by adding at the end the following new subsection: 

‘‘(e) Except a person described in subsection (c) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 302(e) of title 37.

(3) PERSONNEL ACTION.—The term ‘personnel action’, with respect to a member, means any recommendation, action, or decision impacting or affecting any aspect of the military service of the member.’’.

(b) MEMBERS OF SELECTED RESERVE.—Section 16301 of such title is amended by adding at the end the following new subsection: 

‘‘(h) Except a person described in subsection (c) who transfers to service making the person eligible for repayment of loans under section 2171 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 302(e) of title 37.

‘‘(i) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member’s death or disability.’’.

SEC. 552. ACTIVE DUTY OBLIGATION FOR GRADUATES OF THE MILITARY SERVICE ACADEMIES PARTICIPATING IN THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM. 

(a) UNITED STATES CONVOCATION GRADUATES.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph: 

‘‘(3) The term ‘applicable date’ means the date of the appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Professions Scholarship and Financial Assistance program.’’.
of the military service academies at any one time, completion of, and in addition to, any service obligation incurred under this section on active duty, and (2) at the end by adding the following new paragraph:

“(4) That if an appointment described in paragraph (1), (2), or (3) is tendered and the midshipman participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the midshipman shall fulfill any unearned obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.”

(c) United States Air Force Academy Graduates.—Section 9348(a) of such title is amended by adding at the end the following new paragraph:

“(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the cadet will fulfill any unearned obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.

(d) Effective Date.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 553. waiver of maximum age limitation on admission to service academies for certain enlisted members who served during operation Iraqi freedom or operation enduring freedom.

(a) waiver Authority.—The Secretary of the military department concerned may waive the maximum age limitations specified in 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, if the member, otherwise satisfies the eligibility requirements for admission to that academy and—

(1) as a result of service on active duty in a theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom, was or is prevented from being admitted to that academy before the member reached the maximum age specified in such sections; or

(2) possesses an exceptional overall record that the Secretary concerned determines sets the candidate apart from all other candidates.

(b) limitation of waiver.—

(1) maximum age.—A waiver may not be granted under subsection (a) to a member of the Armed Forces described in such subsection if the member’s 30th birthday occurs on or after July 1 of the year in which the member would enter the military service academy.

(2) maximum number.—No more than five members of the Armed Forces may attend each of the military service academies at any one time pursuant to a waiver granted under subsection (a)(2).

(c) duration of waiver authority.—The authority to grant a waiver under subsection (a) expires on September 30, 2015.

SEC. 554. REPORT OF FEASIBILITY AND COST OF EXPANDING ENROLLMENT AUTHORITY OF COMMUNITY COLLEGE OF THE ARMED FORCES TO INCLUDE ADDITIONAL MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report, prepared in consultation with the Secretary of the Air Force, evaluating the feasibility and cost of authorizing enlisted members of the Army, Navy, Marine Corps and Coast Guard to enroll in Community College of the Air Force programs under section 5115 of title 10, United States Code.

Subtitle G—Defense Dependents’ Education

SEC. 561. CONTINUATION OF AUTHORITY TO ASK CERTAIN EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CITIZEN EMPLOYEES.

(a) Assistance to Schools with Significant Numbers of Military dependent Students.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 2321; 29 U.S.C. 1487).

(b) Assistance to Schools with enrollment Changes due to Base Closures, Force Structure Changes, or Force Reallocations.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) Local Educational Agency Defined.—In this section, the term ‘local educational agency’ has the meaning given that term in section 801(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7813(9)).

SEC. 562. enrollment of Dependents of Members of the Armed forces who reside in temporary housing in department of defense domestic dependent elementary and secondary schools.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(2) by adding at the end the following new paragraph:

(3) (A) The Secretary may, at the discretion of the Secretary, authorize members of the armed forces described in subparagraph (B) to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

(B) Paragraph (A) applies only if—

(i) the dependent is temporarily housing (regardless of whether the temporary housing is on Federal property) in lieu of permanent living quarters on a military installation; and

(ii) in the determination of the Secretary, the circumstances of such living arrangement justify extending the enrollment authority to include such dependent.

(C) The Secretary shall prescribe regulations to ensure consistent application of this paragraph.”.

Subtitle H—Decorations, Awards, and Ceremonies

SEC. 571. NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROOF FOR AWARD OF MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1126 of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

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

“(2) If a determination under this subsection includes a favorable recommendation for the presentation of the Medal of Honor, the Secretary of the detailed discussion of the rationale supporting the determination shall be made through the Secretary of Defense.

SEC. 572. Department of Defense Recognition of Spouses of Members of the Armed Forces.

(a) Establishment and presentation of lapel buttons.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126 the following new section:

“§ 1126a. Spouse of combat veteran lapel button: eligibility and presentation.

“(a) Design and Eligibility.—A lapel button, to be known as the spouse-of-a-combat-veteran lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize eligible dependents of the armed forces who is serving or has served in a combat zone for a period of more than 30 days.

“(b) Presentation.—The Secretary concerned may authorize the use of appropriated funds to procure spouse-of-a-combat-veteran lapel buttons and to provide for their presentation to eligible dependents of the armed forces.

“(c) Exception to time Period Requirement.—The 30-day periods specified in subsections (a) and (b) do not apply if the member or members of the armed forces who are serving in a combat zone before the expiration of the period.

“(d) License to Manufacture and Sell Lapel Buttons.—Section 901(c) of title 36 shall apply with respect to the spouse-of-a-combat-veteran lapel button authorized by this section.

“(e) Combat Zone Defined.—In this section, the term “combat zone” has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

“(f) Regulations.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section. The regulations shall ensure that the regulations are uniform for each armed force to the extent practicable.

“(g) Clerical Amendment.—The first sentence of subsection (b) of this section at the beginning of such chapter is amended by inserting after the item relating to section 1126 the following new text:

“§ 1126a. Spouse of combat veteran lapel button: eligibility and presentation.

“(a) Establishment and presentation of lapel buttons.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126 the following new section:

“§ 1126b. Children of members commemorative lapel button: eligibility and presentation.

“(a) Design and Eligibility.—A lapel button, to be known as the children-of-a-member commemorative lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize eligible dependents of the armed forces who is serving on active duty for a period of more than 30 days.

“(b) Presentation.—The Secretary concerned may authorize the use of appropriated funds to
procure children of military service members commemorative lapel buttons and to provide for their presentation to eligible child dependents.

(c) LICENSE TO MANUFACTURE AND SELL LAPEL BUTTONS;—Section 1067(b) of this title shall apply with respect to the children of military service members commemorative lapel button authorized by this section.

(2) ELIGIBLE VETERAN DEFINED.—In this section, the term ‘eligible veteran’ means a veteran who is an eligible veteran as defined by section 1126b of this title.

(e) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out the purposes of this section.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this part is amended by inserting after the section referred to as the ‘Bronze Star’ the following new item:

“(1) commensurate with the rank of the veteran at whom the decoration was awarded.”

(c) PROVISION OF MEDAL.—The Secretary of Defense shall, upon the request of the veterans named in subsection (b), provide such veterans with the medals described in subsection (b).
(A) AVAILABILITY.—Subject to paragraph (5), amounts in the Fund shall remain available until expended.

(5) TREATMENT OF UNOBLIGATED FUNDS; TRANSFER OF UNOBLIGATED FUNDS.—Notwithstanding paragraph (4), amounts remaining in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the amounts to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5). The transferred amount shall be deemed to be available for the same purposes as, and in addition to, amounts in the Department of Defense Vietnam War Commemorative Fund.

(i) APPROPRIATION OF VOLUNTARY SERVICES.—(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(ii) COMPENSATION FOR WORK-RELATED INJURY.—A person providing voluntary services under this subsection shall be considered a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall be entitled to compensation for services rendered as a Federal employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(iii) LIMITATION ON EXPENDITURES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this paragraph.

(b) CLARIFICATION OF APPOINTMENT OPTIONS FOR EXISTING MEMBER.—Subparagraph (F) of subsection (b)(4) of such section, as redesignated by subsection (a)(1), is amended to read as follows:

‘‘(F) In addition to the representatives appointed under subparagraphs (B) and (C), the senior enlisted advisor, or the spouse of a senior enlisted advisor, shall be appointed by the Secretary of the Army, Navy, Marine Corps, and Air Force:.’’.

(ii) APPOINTMENT BY SECRETARY OF DEFENSE.—Subsection (b) of such section is further amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) by striking ‘‘, who shall be appointed by the Secretary of Defense’’;

(B) in subparagraph (B), by striking ‘‘, who shall be appointed by the Secretary of Defense’’ both places it appears; and

(C) in subparagraph (D), by striking ‘‘by the Secretary of Defense’’; and

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

‘‘(3) The Secretary of Defense shall appoint the members of the Council required by subparagraphs (B) through (F) of paragraph (1).’’.

SEC. 582. DIRECTOR OF THE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

Subsection (c) of section 1741c of title 10, United States Code, is amended to read as follows:

‘‘(c) DIRECTOR.—(1) The head of the Office shall be the Director of Community Support for Military Families With Special Needs, who shall be appointed by the Secretary of Defense and who shall serve as the Director of the Office of Community Support for Military Families With Special Needs, who shall be a member of the Senior Executive Service or a general officer or flag officer.

(2) In the discharge of the responsibilities of the Office, the Director shall subject the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness. ’’

SEC. 583. PILOT PROGRAM OF PERSONALIZED CAREER DEVELOPMENT COUNSELING FOR MILITARY SPOUSES.

(a) PILOT PROGRAM REQUIRED.—Section 1741a of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

‘‘(d) PERSONALIZED CAREER DEVELOPMENT COUNSELING.—

‘‘(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program designed to provide personalized career development counseling to the spouses of members of the armed forces eligible for assistance under this section, including the development of strategies, step-by-step guidelines, and customizable milestones—

‘‘(A) to promote a comprehensive, introspective review of personal skills, experience, goals, and requirements with a view to developing a personalized plan for career development;

‘‘(B) to identify counseling options that are portable, personally rewarding, and compatible with personal strengths, skills, and experience;

‘‘(C) to instruct and encourage the use of sound personal and professional management practices; and

‘‘(D) to plan career attainment progression objectives and measure progress.

‘‘(2) INCENTIVES TO FILL CRITICAL CIVILIAN SPECIALTIES.—In conducting the pilot program, the Secretary shall consider methods to provide incentives for program participants to fill critical civilian positions in the Department of Defense, including the following:

‘‘(A) Mental health and other health care.

‘‘(B) Social work.

‘‘(C) Family welfare.

‘‘(D) Contract and acquisition management.

‘‘(E) Personal financial management.

‘‘(F) Day care services.

‘‘(G) Education.

‘‘(H) Military resile system.

‘‘(I) Morale, welfare and recreation activities.

‘‘(J) Law enforcement.

‘‘(2) PROCESS REVIEWS.—The Secretary shall include in the pilot program a periodic review, conducted by counselors, of progress made by participants to determine if changes to personal career strategies may be necessary.

‘‘(3) NUMBER OF PARTICIPANTS.—The Secretary of Defense shall enroll at least 75 military spouses in the pilot program, but not more than 150 military spouses.

‘‘(4) GEOGRAPHIC COVERAGE OF PILOT PROGRAM.—The pilot program shall be conducted in at least three separate geographic areas, as determined by the Secretary of Defense.

‘‘(5) COUNSELORS.—The Secretary of Defense may enter into contracts with career counselors to provide counseling services under the pilot program. There shall be at least one counselor in each of the geographic areas of the pilot program.

‘‘(6) ANNUAL EVALUATION.—The Secretary of Defense shall conduct an annual evaluation of the pilot program to determine the following:

‘‘(A) The effectiveness of the pilot program in improving the ability of participants to identify, develop, and obtain employment in portable career fields.

‘‘(B) The self-reported levels of professional satisfaction of participants.

‘‘(C) The quality of careers selected and pursued.

‘‘(D) The rates of success—

‘‘(i) as determined and evaluated by participants; and

‘‘(ii) as determined by the Secretary.

‘‘(7) REPORT.—

‘‘(A) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report containing—

‘‘(i) the results of the most-recent annual evaluation conducted under paragraph (6); and

‘‘(ii) the matters required by subparagraphs (B), (C), (D), and (E).

‘‘(B) CONTENTS.—Each report under this paragraph shall contain, at a minimum, the following:

‘‘(i) The number of participants in the pilot program.

‘‘(ii) Recommendations for adjustments to the pilot program.

‘‘(iii) Recommendations for extending the pilot program or implementing a permanent comprehensive career development for military spouses.

‘‘(C) TIME FOR SUBMISSION.—The first report required under this subsection shall be submitted not later than one year after the date of the commencement of counseling services under the pilot program. Subsequent reports shall be submitted for each year of the pilot program, with the final report being submitted not later than 90 days after the termination of the pilot program.

‘‘(D) TERMINATION.—The pilot program shall terminate at the end of the three-year period beginning on the date on which the Secretary of Defense notifies the Committees on Armed Services of the Senate and the House of Representatives of the commencement of counseling services under the pilot program.’’.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a plan to implement the pilot program under subsection (d) of section 1741a of title 10, United States Code, as added by subsection (a).

SEC. 584. MODIFICATION OF YELLOW RIBBON RE-INTEGRATION PROGRAM.

(a) OFFICE FOR RE-INTEGRATION PROGRAM.—Subsection (d)(1) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10011 note) is amended—

(1) by striking ‘‘The Under’’ and inserting the following:

‘‘The Under ‘‘
(A) In general.—The Under Secretary of Defense for Personnel and Resources regarding the Office of Community Support for Military Families with Special Needs, and (C) by inserting the following new sentence: “(1) The efficacy and effectiveness of the Department of Defense spouse employment programs.”

(b) Specific budgeting for office.—Effective with the Fiscal Year 2011 Appropriations Act, the Secretary of Defense shall address the Office of Community Support for Military Families with Special Needs to ensure that a separate line of funding is allocated to support military spouses of members of the Armed Forces who have dependents or dependents for the purposes of employment assistance.

SEC. 561. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2021 of title 10, United States Code, is amended by adding at the end the following

“(d)(1) In addition to units of the Junior Reserve Officers’ Training Corps established and supported under the pilot program must meet the requirements of this section.”

(c) Submission of results.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the results of the review; and
(2) such recommendations as the Secretary considers necessary for improving Department of Defense spouse education programs.

Subtitle J—Other Matters

SEC. 591. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2021 of title 10, United States Code, is amended by adding at the end the following

“(d)(1) In addition to units of the Junior Reserve Officers’ Training Corps established and supported under the pilot program must meet the requirements of this section.”

(c) Submission of results.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

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(c) Submission of results.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the results of the review; and
(2) such recommendations as the Secretary considers necessary for improving Department of Defense spouse education programs.
S. 931a. United States Air Force Institute of Technology: admission of defense industry civilians

(a) ADMISSION AUTHORIZED.—(1) The Secretary of the Air Force may permit defense industry civilians, as described in subsection (b), to receive instruction at the United States Air Force Institute of Technology in accordance with this section if, in the judgment of the Secretary, providing instruction to defense industry civilians under this section, to the extent practicable, is subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314 the following new item:

"§9314a. United States Air Force Institute of Technology: admission of defense industry civilians."

S. 594. DATE FOR SUBMISSION OF ANNUAL REPORT ON DEPARTMENT OF DEFENSE STAGECAP PROGRAM

Section 213(h)(1) of title 10, United States Code, is amended by striking "90 days after the end of each fiscal year" and inserting "March 31 of each year".

S. 595. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMITTEE

Section 596(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4478) is amended by striking "12 months" and inserting "18 months".

S. 596. ENHANCED AUTHORITY FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE AND COAST GUARD CIVILIAN EMPLOYEES AND THEIR FAMILIES TO ACCEPT GIFTS FROM NON-FEDERAL ENTITIES

(a) CODIFICATION AND EXPANSION OF EXISTING AUTHORITY TO COVER ADDITIONAL MEMBERS AND EMPLOYEES.—(1) CODIFICATION AND EXPANSION.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2601 the following new section:

"§2601a. Directions concerning gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families

(1) REGULATIONS GOVERNING ACCEPTANCE OF GIFTS.—(A) The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall issue regulations to provide that, subject to such limitations as may be prescribed by regulation, the following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security:

(A) A member of the armed forces described in subsection (c).
(B) A civilian employee of the Department of Defense or Coast Guard described in subsection (d).
(C) A family member of such a member or employee.
(D) Survivors of such a member or employee.

(2) The regulations required by this subsection shall apply uniformly to all elements of the Department of Defense and, to the maximum extent feasible, to the Coast Guard.

(b) EXCEPTION TO GIFT BAN.—A member of the armed forces described in subsection (c) and a civilian employee described in subsection (d) may accept gifts as provided in the regulations issued under subsection (a) notwithstanding any provisions, including any analogous provisions, of department of defense or other regulations.

(c) COVERED EMPLOYEES.—This section applies to a civilian employee of the Department of Defense or Coast Guard who, while employed on or after September 11, 2001, incurred an injury or illness incurred by reason of active duty service in Iraq or Afghanistan.

S. 597. REPORT ON PERFORMANCE AND IMPROVEMENTS OF TRANSITION ASSISTANCE PROGRAM

(a) REPORT REQUIRED.—The Secretary of Defense shall submit a report on the Transition Assistance Program of the Department of Defense to the Congress.

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

(1) A statement and analysis of the rates of post-separation employment rates compared with the general population annually since September 11, 2001.
(2) A chronological summary of the evolution and development of the Transition Assistance Program since September 11, 2001.
(3) A description of efforts to transform the Transition Assistance Program from one of end-of-service transition to one in which transition is considered throughout the career of a member of the Armed Forces.
(4) An analysis of current and future challenges members continue to face upon entering the civilian workforce, including a survey of the following individuals and organizations to identify strengths and shortcomings in the Transition Assistance Program:
(A) A representation of population of transitioning or recently separated members.
(B) Employers with a track record of employing retired or separating members.
(C) Veterans service organizations and advocacy groups.
(5) Any recommendations, including recommendations for legislation, that the Secretary of Defense considers appropriate to improve the organization, policies, consistency..."
of quality, and efficacy of the Transition Assistance Program.

(c) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of Labor.

(d) SUBMISSION OF REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit the report to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 598. SENSE OF CONGRESS REGARDING ASSISTING MEMBERS OF THE ARMED FORCES TO PARTICIPATE IN APPRENTICESHIP PROGRAMS.

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

(1) Some members of the Armed Forces who are separated or released from active duty are having difficulty finding employment after their separation or release.

(2) Some members who have served for long periods on active duty have the additional difficulty of translating their military experience into skill sets for civilian employment.

(3) Apprenticeship programs bring immense value to the American workforce and to individuals who participate in such programs.

(b) APPRENTICESHIP PROGRAMS.—Apprenticeship programs assist in the building of resumes and skills of participants and help employers identify participants with employers and job opportunities.

(5) Military units returning from deployment often operate at a reduced readiness posture, which would allow members who are assigned to the unit, but who are in the process of being separated or released from active duty, to be available to participate in apprenticeship programs.

(c) SENSE OF CONGRESS.—It is the sense of Congress that commanders of units of the Armed Forces should make every effort to permit members of the Armed Forces who are assigned to the unit, but who are in the process of being separated or released from active duty, to participate in an apprenticeship program that is registered under the Act of Aug. 16, 1937 (commonly known as the National Apprenticeship Act; 29 U.S.C. 50 et seq.).

(c) Arm Forces Defined.—In this section, the term ‘‘Armed Forces’’ means the Army, Navy, Air Force, and Marine Corps.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2011 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment prescribed by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2011, the rates of monthly basic pay for members of the uniformed services are increased by 1.9 percent.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE OR BOTH MEMBERS ARE ON SEA DUTY.

(a) IN GENERAL.—Paragraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

‘‘(C) Notwithstanding section 427(a)(1) of title 37, United States Code, an amount of $300 is authorized to be paid for monthly special compensation a one-time payment of not more than $1,500 for the transition of assistants providing aid and attendance care to the member as described in subsection (b)(1).’’.

(b) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), by inserting ‘‘OF MONTHLY COMPENSATION’’ after ‘‘DURATION’’; and

(2) in subsection (d), by inserting ‘‘OF MONTHLY COMPENSATION’’ after ‘‘DURATION’’.

SEC. 603. ALLOCATIONS FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.

(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting ‘‘ALLOWANCE FOR OFFICERS IN THE ARMED FORCES.—’’ after ‘‘(a)’’;

(C) by striking ‘‘$400’’ and inserting ‘‘$500’’; and

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

‘‘(2) The Secretary of a military department, with the approval of the Secretary of Defense, may increase the maximum amount of the allowance specified in paragraph (1) for officers of the Guard.’’.

(b) in subsection (b), by inserting ‘‘EXCEPTION.—’’ after ‘‘(b)’’; and

(c) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ‘‘An allowance of $300’’ and inserting ‘‘Public Health Service Allowance.—(1) An allowance of $300’’;

(C) by inserting ‘‘2’’ before ‘‘An officer’’.

(b) ADDITIONAL ALLOWANCES.—Section 416 of this title is amended—

(1) in subsection (a), by striking ‘‘$200’’ and inserting ‘‘$250’’; and

(2) in subsection (b)(1), by striking ‘‘$200’’ and inserting ‘‘$500’’.

SEC. 604. INCREASE IN AMOUNT OF FAMILY SEPARATION ALLOWANCE.

(a) INCREASE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ‘‘$500’’ and inserting ‘‘$750’’.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect on October 1, 2010, and apply with respect to monthly basic pay payable for active duty service.

SEC. 605. ONE-TIME SPECIAL COMPENSATION FOR TRANSITION OF ASSISTANTS PROVIDING AID AND ATTENDANCE CARE TO MEMBERS OF THE UNIFORMED SERVICES FOR CATASTROPHIC INJURIES OR ILLNESSES.

(a) TRANSITION COMPENSATION AUTHORIZED.—Section 439 of title 37, United States Code, is amended—

(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

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

‘‘(e) ONE-TIME SPECIAL COMPENSATION AUTHORIZED.—In addition to monthly special compensation payable under subsection (a), the Secretary concerned may pay to a member eligible for monthly special compensation a one-time payment of not more than $1,500 for the transition of assistants providing aid and attendance care to the member as described in subsection (b)(1).’’.

(b) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), by inserting ‘‘OF MONTHLY COMPENSATION’’ after ‘‘DURATION’’; and

(2) in subsection (d), by inserting ‘‘OF MONTHLY COMPENSATION’’ after ‘‘DURATION’’.

SEC. 606. EXTENSION OF DEFINITION OF SENIOR ENLISTED MEMBER TO INCLUDE SENIOR ENLISTED MEMBER SERVING WITHIN A COMBATANT COMMAND.

(a) BASIC PAY.—On and after January 1, 2011, for purposes of establishing the rates of monthly basic pay authorized members of the uniformed services, the senior enlisted member of the Armed Forces serving within a combatant command (as defined in section 161(c) of title 10, United States Code) shall be treated in the same manner as the Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, and Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.

(b) RATE OF BASIC PAY USED TO DETERMINE RETIRED PAY BASE.—Section 1406(c)(3)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

‘‘(vi) Senior enlisted member serving within a combatant command (as defined in section 161(c) of title 10).’’.

SEC. 607. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN EMPLOYEES FOR RESERVIST INCENTIVE PAY.

(a) INELIGIBILITY FOR PAYMENTS.—Section 931 of title 37, United States Code, is amended by adding at the end the following new paragraph:

‘‘(7) A member of a reserve component who is otherwise entitled to a payment under this section is not entitled to the payment for any month during which the member is also a civilian employee of the Federal Government entitled to a Federal employee retirement savings plan.’’.

(b) PAY DURING TERMINAL LEAVE AND WHILE HOSPITALIZED.—Section 210(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

‘‘(7) The senior enlisted member serving within a combatant command (as defined in section 161(c) of title 10).’’.

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORIZATIONS FOR RESERVE FORCES.

(a) INELIGIBILITY FOR PAYMENTS.—Sections 308i(g), 308b, and 308c of title 37, United States Code, are amended by striking ‘‘December 31, 2010’’ and inserting ‘‘December 31, 2011’’:

(1) in section 308i(g), relating to Selected Reserve enlistment bonus;

(2) in section 308b(i), relating to Selected Reserve affiliation or enlistment bonus;

(3) in section 308c(c), relating to special pay for enlisted members assigned to certain high-priority units;

(4) in section 308p(f)(2), relating to Ready Reserve enlistment bonus for persons without prior active service;

(5) in section 308e, relating to Ready Reserve enlistment and reenlistment bonus for persons with prior active service;

(6) in section 308b(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior active service;

(7) in section 308c(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

(b) EFFECTIVE DATE.—Section 427(a)(3) of title 37, United States Code, as added by subsection (a), shall apply with respect to payments under such section for months beginning on or after the date of the enactment of this Act.

Subtitle B—Bonuses and Special Pay

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORIZATIONS FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ‘‘December 31, 2010’’ and inserting ‘‘December 31, 2011’’:

(1) Section 210a(a)(1), relating to nurse officer candidate accession program.
(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORIZED.—The following sections of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 302(t)(f), relating to accession and retention bonus for psychologists.

(2) Section 302a(a)(1), relating to accession bonus for registered nurses.

(3) Section 302a(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302a(a)(1), relating to accession bonus for dental officers.

(6) Section 302(a), relating to accession bonus for physicians.

(7) Section 302(k), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302q, relating to accession bonus for dental specialist officers in critically short wartime specialties.

(9) Section 302q, relating to accession bonus for dental specialists in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND INCENTIVE PAY AUTHORIZED FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312(b)(c), relating to nuclear career accession bonus.

(3) Section 312(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND INCENTIVE PAYBonus AT AND FOR TRANSFER BETWEEN ARMED FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(a), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(l), relating to special duty pay or pay vulnerability.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or designated high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of chapter 5 of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 302a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309e, relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 327(h), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 1032(h), relating to Army referral bonus.

SEC. 617. TREATMENT OF OFFICERS TRANSFERRING BETWEEN ARMED FORCES FOR RECEIPT OF AVIATION CAREER SPECIAL PAY.

Section 301b of title 37, United States Code, is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) TREATMENT OF OFFICERS TRANSFERRING FROM ONE ARMED FORCE TO ANOTHER.—(1) An officer who transfers from one armed force to another armed force shall receive the same compensation and other advantages under the officer’s obligations in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system, notwithstanding any duty service obligation incurred as a result of the transfer.

“(2) Until December 31, 2015, the Secretary concerned shall continue, regardless of the number of years of aviation service, an officer’s compensation under this section to an officer who transfers or transfers from one armed force to an armed force under the jurisdiction of the Secretary concerned until the officer receives the same number of years of benefits as officers in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system. In calculating the years of benefits receipts, the Secretary concerned shall include any year during which the officer received compensation under this section before the transfer.

“(3) An officer may not receive compensation under paragraph (2) for any period during which the officer is not qualified for compensation under subsection (b).”.

SEC. 618. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER FOR OFFICERS TRANSFERRING BETWEEN ARMED FORCES FOR RECEIPT OF AVIATION CAREER SPECIAL PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 301b(g) of title 37, United States Code, is amended by striking “$225 a month” and inserting “$250 a month.”

(b) HAZARDOUS DUTY PAY.—Section 301b(3) of such title is amended by striking “ $250 per month” and inserting “$250 per month.”

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect—

(A) on October 1, 2010, and apply with respect to months beginning on or after that date.

SEC. 619. SPECIAL PAYMENT TO MEMBERS OF THE ARMED FORCES WHO SERVED IN THE UNITED STATES WHILE SERVING WITH THE UNITED STATES MILITARY IN A CONTINGENCY OPERATING FOR A COUNTRY OR ANGANIZATION DESIGNATED AS AN IMMINENT DANGER OR FOR DUTY IN FOREIGN AREA DESIGNATED AS AN IMMINENT DANGER OR FOR DUTY IN FOREIGN AREA.

(a) TREATMENT OF MEMBERS AND CIVILIANS WORKING IN A COUNTRY DESIGNATED AS AN IMMINENT DANGER OR FOR DUTY IN FOREIGN AREA DESIGNATED AS AN IMMINENT DANGER OR FOR DUTY IN FOREIGN AREA.—

(A) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(B) In the case of a civilian employee of the Department of Defense, to have been killed or wounded as the result of an act of an enemy of the United States while serving with the Armed Forces in a contingency operation.

(1) ATTACKS DESCRIBED.—Paragraph (1) applies to—

(A) the attack that occurred at Fort Hood, Texas, on November 5, 2009.

(B) the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009.

(2) EXCEPTION.—Paragraph (1) shall not apply to a member of the Armed Forces or a civilian employee of the Department of Defense whose death or wound as described in paragraph (1) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

(b) NEW SPECIAL PAYMENT.—

(1) IN GENERAL.—Chapter 17 of title 37, United States Code, is amended by adding at the end the following new section:

“§911. Special payment to members of the armed forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone

(1) GENERAL PAYMENT REQUIRED.—The Secretary of Defense shall pay to a member of the armed forces or a civilian employee of the Department of Defense who was killed or wounded in an attack under the circumstances described in subsection (a) an amount of compensation equal to the amount determined in subsection (b) that would have accrued—

(A) in the case of a member on behalf of a member killed or wounded in a combat zone; and

(B) in the case of an employee on behalf of an employee killed or wounded while serving with the Armed Forces in a contingency operation.

(3) ATTACKS DESCRIBED.—Except as provided in paragraph (2), an attack covered by section (a) is any assault or battery resulting in bodily injury or death committed by an individual who the Secretary of Defense determines knowingly targeted—

(A) a member of the armed forces on account of the military service of the member or the status of as a member of a member of the Armed Forces; or

(B) a civilian employee of the Department of Defense on account of the employee’s employment with the Department of Defense or affiliation with the Department of Defense.

(2) GEOGRAPHIC EXCLUSION.—Subsection (a) does not apply to any attack that—

(A) occurs in a combat zone; or

(B) in the case of a civilian employee of the Department, occurs while the employee is serving with the armed forces in a contingency operation.

(3) CALCULATION OF COMPENSATION AMOUNT.—The Secretary of Defense shall identify, in consultation with all relevant Federal agencies, including the Department of Veterans Affairs and the Internal Revenue Service, all Federal benefits provided to members of the armed forces and civilian employees of the Department of Defense killed or wounded in a combat zone, including special pays and the value of Federal tax advantages accruing because certain benefits are not subject to Federal income tax. The Secretary shall exclude from the calculation any Federal benefits provided regardless of the geographic location or circumstances of the member or employee.

(4) EXCLUSION OF CERTAIN INDIVIDUALS.—Subsection (a) shall not apply to a member of
the armed forces or civilian employee of the Department of Defense whose death or wound as described in subsection (b) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘armed forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) The term ‘combat zone’ means a combat operation or combat zone designated by the Secretary of Defense.

“(3) The term ‘eligible survivor’ refers to the persons eligible to receive a death gratuity payment under section 1477 of title 10. In the case of a deceased member or employee, the eligible survivor shall include the payee or beneficiary described in subsection (a) that shall be determined as provided in such section.

“(4) The term ‘reimbursement’ means the actual and necessary expenses of the travel and the operation of privately owned vehicles by employees while engaged on official business.

“(5) The term ‘transportation’ means the use of Government-procured commercial round-trip air travel.

“(6) The term ‘travel and transportation allowance’ means an allowance payable under this subsection.

“(7) The term ‘travel and transportation allowances’ means the aggregate of the travel and transportation allowances described in subsection (b) that may be provided.

“(8) The term ‘travel and transportation costs’ means the actual and necessary expenses of the travel and the operation of privately owned vehicles by employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

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

“(c) RETROACTIVE APPLICATION.—Section 911 of title 37, United States Code, as added by paragraph (1), shall apply to any attack described in subsection (b) of such section occurring on or after November 6, 2008.

“(d) PAYMENT OF TRAVEL COSTS AUTHORIZED.—(1) In general.—Chapter 7 of title 37, United States Code, is amended by striking ‘‘December 31, 2010’’ and inserting ‘‘December 31, 2011’’.

“SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR ATTENDANCE OF DESIGNATED PERSONS AT YELLOW RIBBON REINTEGRATION EVENTS.

“(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

“(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by striking section 1401(a) of title 10, United States Code, as added by subsection (a), for travel and transportation costs incurred before September 30, 2010.

“(2) Exception.—Section 1401(a) of title 10, United States Code, is amended—

“(A) by redesignating subsections (c), (d), and (f), respectively; and

“(B) by striking ‘‘February 7, 1980’’ and inserting ‘‘September 7, 1980’’.

“SEC. 641. ELIMINATION OF THE AGE REQUIREMENT FOR HEALTH CARE BENEFITS FOR NON-REGULAR SERVICE RETIRED PAY.

“(a) COMPARISON OF RETIRED PAY.—The table in section 12731(f)(2)(B) of title 10, United States Code, is amended—

“(1) by redesigning subsections (c), (d), and (f) as subsections (e), (d), and (f), respectively; and

“(2) by striking paragraph (2).

“SEC. 644. CLARIFICATION OF EFFECT OF ORDER RENEWING ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

“Section 12731(f)(2)(B) of title 10, United States Code, is amended—

“(1) by striking ‘‘(1)’’; and

“(2) by striking ‘‘(3)’’.

“SEC. 645. SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—


“(1) by redesigning subsections (c), (d), and (e) as subsections (d), (c), and (f), respectively; and

“(2) by striking paragraph (3).

“SEC. 646. COMPENSATION TO REPRESENTATIVES OF DEPARTMENT OF DEFENSE FOR DEPENDENCY AND INDEMNITY COMPENSATION.

“Section 662 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

“(1) by redesigning subsections (c), (d), and (e) as subsections (e), (d), and (f), respectively; and

“(2) by striking paragraph (2).
section 1311(a) of title 38, United States Code; and

“(B) the amount of the annuity to which the surviving spouse is entitled under subsection (b) is affected by paragraph (2)(A) of such subsection.

“(2) Subject to paragraph (1), the amount of the special survivor indemnity allowance paid to a surviving spouse under paragraph (1) for a month—

“(A) for months during fiscal year 2009, $50; 
“(B) for months during fiscal year 2010, $60; 
“(C) for months during fiscal year 2011, $70; 
“(D) for months during fiscal year 2012, $80; 
“(E) for months during fiscal year 2013, $90; 
“(F) for months during fiscal year 2014, $100; 
“(G) for months during fiscal year 2015, $200; and 
“(H) for months during fiscal year 2016, $225; and 

“(1) for months during fiscal year 2017, $310. 

“(3) The amount of the special survivor indemnity allowance paid to an eligible survivor under paragraph (1) for any month may not exceed the amount of the annuity for that month that is subject to offset under subsection (b)(2)(A).

“(4) A special survivor indemnity allowance paid under paragraph (1) does not constitute an annuity, and amounts so paid are not subject to adjustment under any other provision of law.

“(5) The special survivor indemnity allowance shall be paid under paragraph (1) from amounts in the Department of Defense Military Retirement Fund established under section 1401 of title 10, United States Code.

“(6) Subject to paragraph (7), this subsection shall only apply with respect to the month that began on October 1, 2008, and subsequent months through the month that end on September 30, 2017, as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, the Secretary concerned shall pay, in a lump sum, the total amount of the special survivor indemnity allowances due under paragraph (1) to a qualified surviving spouse for months since October 1, 2008, through the month in which the first allowance is paid under paragraph (1) to the qualified surviving spouse.

“(7) Effective on October 1, 2017, the authority provided by this subsection shall terminate.

SEC. 646. PAYMENT DATE FOR RETIRED AND RETIRED FOR CAREER BROADENING ASSIGNMENTS.

(a) SETTING PAYMENT DATE.—Section 1412 of title 10, United States Code, is amended—

“(1) by striking “Amounts” and inserting “(a) Rounding.—Amounts;” and 
“(2) by adding at the end the following new subsection:

“§ 1412. Administrative provisions.

“(2) ALE. (b) the table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1412 and inserting the following new item:

“1412. Administrative provisions.”

(c) EFFECTIVE DATE.—Subsection (b) of section 1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act.
SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE PAYMENTS.

(a) DEPENDENT COVERAGE.—Section 1076(b) of title 10, United States Code, is amended by inserting after "of this title" the following: "ston 2010.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) with respect to a member or former member of a uniformed service, is—

(A) a child who—

(i) has attained the age of 26 and is not eligible to enroll in an employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986); or

(ii) is not otherwise a dependent of a member or former member within the meaning of any subparagraph of paragraph (4) or (5) of subsection (i); and

(B) a person who—

(i) is placed in the legal custody of the member or former member as a result of a court order or other circumstances as the administering Secretary may by regulation prescribe; and

(ii) is not otherwise a dependent of a member or former member within the meaning of any subparagraph of paragraph (4) or (5) of subsection (i).

The amendments made by this subsection shall take effect on October 1, 2010.

SEC. 703. SURVIVOR DENTAL BENEFITS.

(a) IN GENERAL.—In accordance with subsection (c), an individual described in subsection (b) shall be deemed to be a dependent (as defined in section 1076(b) of title 10, United States Code) for purposes of TRICARE coverage.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is a dependent of a member or former member of a uniformed service who—

(1) is a surviving spouse of the member or former member;

(2) qualifies as a dependent for purposes of TRICARE coverage; and

(3) is entitled to dependents' coverage under TRICARE.

The amendments made by this subsection shall take effect on October 1, 2010.
“(2) Such term includes any such dependent of a member who dies—

“(A) while on active duty for a period of more than 30 days; or

“(B) that such member is a member of the Ready Reserve.”.

SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Paragraph (2) of section 1074(b) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) An aural screening, including an assessment of tinnitus.”.

(b) EFFECTIVE DATE.—Section 1074(b)(2) of title 10, United States Code, as added by subsection (a) of this section, shall apply to members of the Armed Forces who are deployed or forward-deployed on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2010, and ending on September 30, 2011, the cost sharing requirements established under paragraph (6) of section 1074(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $2.
(2) In the case of brand-name agents, $9.
(3) In the case of nonformulary agents, $22.

Subtitle B—Health Care Administration

SEC. 711. ADMINISTRATION OF TRICARE.

Subsection (a) of section 1073 of title 10, United States Code, is amended—

(1) by striking “Except” and inserting “(1) Except”;
(2) by adding at the end the following new paragraph:

“(2) Except as otherwise provided in this chapter, the Secretary of Defense shall have sole responsibility for administering the TRICARE program and making any decision affecting such program.”.

SEC. 712. UPDATED TERMINOLOGY FOR THE ARMY MEDICAL SERVICE CORPS.

Paragraph (5) of section 3068 of title 10, United States Code, is amended—

(1) by striking “(A), by striking “Pharmaceutical, Supply, and Administration” and inserting “Administrative Health Services”;
(2) in subparagraph (C), by striking “Sanitary Engineering” and inserting “Preventive Medicine Sciences”;
(3) in subparagraph (D), by striking “Optometry” and inserting “Clinical Health Sciences”.

SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS APPLICABLE TO MILITARY HEALTH CARE PROFESSIONALS WHO ARE MEMBERS OF THE NATIONAL GUARD PERFORMING DUTY WHILE IN TITLE 32 STATUS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting “or (3)” after “paragraph (2)”;
(2) in paragraph (2), by inserting “as being described in this paragraph” after “paragraph (1)”;
(3) by adding at the end the following new paragraph:

“(3) A health-care professional referred to in paragraph (1) as being described in this paragraph is a member of the National Guard who—

“(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

“(B) is performing training or duty under title 32 in response to an actual or potential disaster.”.

SEC. 714. ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ANNUAL REPORTS.—Section 1073b of title 10, United States Code, is amended by adding at the end the following:

“(c) ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.—

“(1) At the beginning of each fiscal year, the President is submitted under section 1105(a) of title 31 for each fiscal year, the Secretary of Defense, the Secretary of the Treasury, and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees a report on joint facilities.

“(2) Each report under paragraph (1) shall include the following:

“(A) A list of each military medical treatment facility of the Department of Defense that the Secretary of Defense is considering as a potential joint facility.

“(B) A list of each medical facility of the Department of Veterans Affairs that the Secretary of Veterans Affairs is considering as a potential joint facility.

“(C) A list of each military medical treatment facility of the Department of Defense and medical facility of the Department of Veterans Affairs that has been established as a joint facility.

“(3) (A) Except as provided in subparagraph (B), no funds authorized to be appropriated or otherwise made available for fiscal year 2012 or any fiscal year thereafter for military medical treatment facilities of the Department of Defense may be obligated or expended to establish a joint facility unless both the military medical treatment facility of the Department of Defense and the medical facility of the Department of Veterans Affairs were included in a report submitted under paragraph (1).

“(B) In the case of formulary agents, $9.25.

“(C) In the case of nonformulary agents, $22.

“(D) An aural screening, including an assessment of tinnitus.”.

(b) EFFECTIVE DATE.—Section 1074(b)(2) of title 10, United States Code, as added by subsection (a) of this section, shall apply to members of the Armed Forces who are deployed or forward-deployed on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 715. IMPROVEMENTS TO OVERSIGHT OF MEDICAL TRAINING FOR MEDICAL CORPS OFFICERS.

(a) REVIEW OF TRAINING PROGRAMS FOR MEDICAL CORPS OFFICERS.—The Secretary of Defense shall conduct a review of training programs for medical officers (as defined in section 101(a)(16) of title 10, United States Code) to ensure that the academic and medical performance of such officers has been effectively documented in medical personnel records. The programs reviewed shall include, at a minimum, the following:

(1) Programs at the Uniformed Services University of the Health Sciences that award a medical doctor degree.

(2) Selected residency programs at military medical treatment facilities, as determined by the Secretary, to include at least one program in each of the specialties of—

(A) anesthesiology;
(B) emergency medicine;
(C) family medicine;
(D) general surgery;
(E) obstetrics/gynecology;
(F) pathology;
(G) pediatrics; and
(H) psychiatry.
(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings included under subsection (a).

SEC. 716. STUDY ON REIMBURSEMENT FOR COSTS OF HEALTH CARE PROVIDED TO INDIVIDUALS UNDER THE TRICARE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study on the costs incurred by the United States on behalf of individuals—

(1) who are not covered beneficiaries; and

(2) who receive health care services from a health care provider under the TRICARE program.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under subsection (a), including recommendations for legislative action that the Secretary considers appropriate to—

(1) prevent individuals who are not covered beneficiaries from receiving health care services from a health care provider under the TRICARE program; and

(2) recoup the costs of such health care from such individuals.

(c) DEFINITIONS.—In this section:

(1) The term “covered beneficiary” has the meaning given in section 1072(6) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given in section 1072(7) of such title.

SEC. 717. LIMITATION ON TRANSFER OF FUNDS TO DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT.

The Secretary of Defense may not transfer any funds authorized to be appropriated by this Act for fiscal year 2011 to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established in section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571) unless, before any such transfer—

(1) the Secretary submits to the congressional defense committees, the Committee on Veterans’ Affairs of the House of Representatives, and the Committee on Veterans’ Affairs of the Senate a report providing—

(A) notice of the proposed transfer; and

(B) the exact amount and source of funds to be transferred; and

(2) a period of 90 days has elapsed (excluding days of which either House of Congress is not in session) after the report is submitted under paragraph (1).

SEC. 718. ENTERPRISE RISK ASSESSMENT OF HEALTH INFORMATION TECHNOLOGY PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct an enterprise risk assessment methodology study of all health information technology programs of the Department of Defense.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study required under subsection (a).

Subtitle C—Other Matters

SEC. 721. IMPROVING AURAL PROTECTION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—In accordance with section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–117; 122 Stat. 4506), the Secretary of Defense shall examine methods to improve the aural protection for members of the Armed Forces in combat.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the findings included under subsection (a).

SEC. 722. COMPREHENSIVE POLICY ON NEUROCOGNITIVE ASSESSMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than September 30, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on pre- and post-deployment neurocognitive assessment.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) Require the administration of the same pre-deployment and post-deployment neurocognitive assessments to all members of the military who are preparing to deploy or have returned from deployment.

(2) Require the standardization of testing procedures for neurocognitive assessments.

(c) REQUIREMENTS FOR FOLLOW-UP NEUROCOGNITIVE ASSESSMENTS.—As needed to create a longitudinal neurocognitive assessment record for the ongoing care of members of the Armed Forces.

(d) REQUIRE NEUROCOGNITIVE ASSESSMENT RESULTS.—Reports and records made available to members of the Armed Forces and veterans for their personal use in health management.

(e) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) DESIGNATION.—Not later than October 1, 2011, the Secretary of Defense may designate a center to be known as the “National Casualty Care Research Center” (in this section referred to as the “Center”) to consist of the program known as the combat casualty care research program of the Army Medical Research and Material Command.

(b) DUTIES.—The Secretary, in consultation with the commanding general of the Army Medical Research and Material Command, shall appoint a director of the Center.

(c) ACTIVITIES.—In addition to other functions performed by the combat casualty care research programs, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to members of the Armed Forces;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Database, are optimally used to establish robust and prospective databases with a high incidence of such disorders;

(4) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Database, are optimally used to establish robust and prospective databases with a high incidence of such disorders;

(5) conduct research for the benefit of covered members who are included in the study, including—

(A) race;

(B) ethnicity;

(D) possible exposure to hazardous elements or chemicals or biological agents (including any vaccines) and where such exposure occurred;

(E) known breast cancer risk factors, including familial, reproductive, and anthropometric parameters;

(F) the locations of duty stations that such member was assigned;

(G) the locations in which such member was deployed; and

(H) the geographic area of residence prior to deployment;

(7) conduct an analysis of the clinical characteristics of breast cancer diagnosed in covered members (including the stage, grade, and other details of the cancer);

(8) Other information the Secretary considers appropriate.

(c) COVERED MEMBERS DEFINED.—In this section, the term “covered members” means female members of the Armed Forces (including members of the National Guard and reserve components) who served in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 724. ASSESSMENT OF POST-TRAUMATIC STRESS DISORDER BY MILITARY OCCUPATION.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of post-traumatic stress disorder incidence by military occupation, including identification of military occupations with a high incidence of such disorder.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment under subsection (a).

SEC. 725. ASSESSMENT OF POST-TRAUMATIC STRESS DISORDER BY MILITARY OCCUPATION.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of post-traumatic stress disorder incidence by military occupation, including identification of military occupations with a high incidence of such disorder.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment under subsection (a).

SEC. 726. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) AUTHORITY TO ESTABLISH.—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program at—

(1) the Defense Advanced Research Projects Agency; and

(2) the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury.

(b) ACTIVITIES OF THE PROGRAM.—In establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary shall require the program to—

(1) provide a partnership between the National Institutes of Health and the Defense Advanced Research Projects Agency to enable identification and funding of a broad range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces; and

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and
Traumatic Brain Injury that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(3) providing the States domiciled within the area of the National Institutes of Health for the benefit of the public;

(4) providing a military and civilian collaborative environment for neuroscience-based medical problem-solving in critical areas affecting both military and civilian life, particularly post-traumatic stress disorder and concussions concerned.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by inserting “or covered litigation support contractor” after “covered Government support contractor”;

(B) by inserting after “oversight of” the following: “, or preparation for litigation relating to,”;

and

(2) by inserting after subsection (f) the following:

“(g) In this section, the term ‘covered litigation support contractor’ means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support, which contractor executes a contract with the Government agreeing to acknowledge and agree to the following:

“(1) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

“(2) that the covered litigation support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered litigation support contractor; and

“(3) that such technical data provided to the covered litigation support contractor under the authority of this section shall not be used by the covered litigation support contractor in any lawsuit against the third party for Government or non-Government contracts.”;

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 120 days after the date of the enactment of this Act.

SEC. 802. DESIGNATION OF F135 AND F136 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAMS AS MAJOR SUBPROGRAMS

(a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate each of the engine development and procurement programs described in subsection (b) as a major subprogram of the F-35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement programs are the following:

(1) The F-35 engine development and procurement program.

(2) The F136 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprograms designated under subsection (a), the Secretary shall use the Milestone B decision for each subprogram as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F-35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F-35 and F136 engine development and procurement programs (including related reporting based on those actions), the requirements of such section 2433a shall not be considered to be met with respect to the major subprogram designated under subsection (a) unless the Secretary elects to restructure and take action pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraphs (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to a major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

SEC. 803. CONFORMING AMENDMENTS RELATING TO MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER VARIOUS ACQUISITION-RELATED REQUIREMENTS

(a) CONFORMING AMENDMENTS TO SECTION 2360A.—Section 2360a of title 10, United States Code, is amended—

(1) in subsections (a), (b)(1), and (b)(2)—

(A) by inserting “or designated major subprogram” after “major defense acquisition program”;

and

(B) by inserting “or subprogram” after “program” each place it appears (other than after “major defense acquisition program”, after “space program” for those “requirements”, and before “manager”);

and

(2) in subsection (c)—

(A) by redesigning paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively; and

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

“(2) The term ‘designated major subprogram’ means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.”

(b) CONFORMING AMENDMENTS TO SECTION 2366B.—Section 2366b of such title is amended—

(1) in subsection (c)(1)—

(A) by inserting “or designated major subprogram” after “major defense acquisition program”; and

(B) by inserting “or subprogram” after “program” each place it appears (other than after “major defense acquisition program”, after “future-years defense program”, and after “space program”);

and

(2) in subsection (g)—

(A) by redesigning paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

“(2) The term ‘designated major subprogram’ means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.”

(c) CONFORMING AMENDMENTS TO SECTION 2399.—Subsection (a) of section 2399 of such title is amended to read as follows:

“(a) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense shall provide that a covered major defense acquisition program or a covered designated major subprogram shall proceed beyond low-rate initial production until initial operational test and evaluation of the program or subprogram is completed.

“(2) In this subsection—

“(A) The term ‘covered major defense acquisition program’ means a major defense acquisition program that involves the procurement of a weapon system that is a major weapon system within the meaning of that term in section 2902(5) of this title.

“(B) The term ‘covered designated major subprogram’ means a major subprogram designated under section 2430a(a)(1) of this title that is a major subprogram of a covered major defense acquisition program.

(d) CONFORMING AMENDMENTS TO SECTION 2434.—Section 2434 of such title is amended—

(1) in paragraph (1)(B), by striking “(1) before ‘The Secretary of Defense’; and

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

“(2) the provisions of this section shall apply to any major subprogram of a major defense acquisition program (as designated under section 2430a(a)(1) of this title) in the same manner as those provisions apply to a major defense acquisition program, and any reference in this section to a program shall be treated as including such a subprogram.

SEC. 804. ENHANCEMENT OF DEPARTMENT OF DEFENSE AUTHORITY TO RESPOND TO COMBAT AND SAFETY EMERGENCIES THROUGH MAJOR DEFENSE ACQUISITION AND DEPLOYMENT OF URGENTLY NEEDED SUPPLIES.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Subsection (a) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking “items that are—” and inserting “supplies that are—”.

(b) ISSUES TO BE ADDRESSED.—Subsection (b) of such section is amended—

(1) in paragraph (1)(B), by striking “items” and inserting “supplies”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “items” and inserting “supplies”;

(B) in subparagraph (A), by striking “an item” and inserting “the supplies”;

(C) in subparagraph (B), by striking “an item” and inserting “the supplies”;

and

(D) in subparagraph (C), by inserting “utilization” after “deployment”.

(c) RESPONSE TO COMBAT EMERGENCIES.—Subsection (c) of such section is amended—

(1) by striking “equipment” each place it appears and inserting “supplies”;

(2) by striking “combat capability” each place it appears;

(3) by inserting “, or could result,” after “that has resulted” each place it appears;

(4) by striking “fatalities” each place it appears and inserting “casualties”;

(5) in paragraph (1), by striking “of that amount may not be used to acquire equipment in an amount aggregating more than $100,000,000 during any fiscal year” and inserting “in an amount aggregating no more than $200,000,000” after “for that fiscal year”;

(6) by inserting at the end of the section “(5) by striking ‘casualties’ each place it appears and inserting ‘casualties’”; and

(7) by inserting “those supplies” after “those supplies that have resulted” each place it appears and inserting “that have resulted” after “that has resulted” each place it appears; and

(8) by striking “casualties” each place it appears and inserting “casualties”;

(9) by striking “has resulted” each place it appears and inserting “has resulted”;

and

(10) by striking “casualties” each place it appears and inserting “casualties”;

and

(11) by striking “their” each place it appears and inserting “those”; and

(12) by striking “casualties” each place it appears and inserting “casualties”;

and

(13) by striking “casualties” each place it appears and inserting “casualties”.

(d) WAIVER OF CERTAIN STATUTES AND REGULATIONS.—Subsection (d)(1) of such section is amended by striking paragraphs (A), (B), and (C) and inserting “supplies”.
in meeting the original requirements for the supplements document’’ and inserting ‘‘of the supplies item’’ and all that follows through ‘‘required by subparagraph (A) and inserting ‘‘the such section is amended—"

(f) LIMITATION.—Subsection (f) of such section is amended to read as follows: ‘‘(f) LIMITATION.—In the case of supplies that are part of a major system for which a low-rate initial production quantity determination has been made pursuant to section 2400 of title 10, United States Code, the quantity of such supplies acquired using the procedures prescribed pursuant to this section may not exceed an amount that is consistent with complying with determinations on the quantity of articles approved for low-rate initial production for such system. Any such supplies shall be included in any relevant calculations for low-rate initial production for the system concerned.’’.

SEC. 805. PROHIBITION ON CONTRACTS WITH ENTITIES ENGAGING IN COMMERCIAL ACTIVITY IN THE ENERGY SECTOR OF IRAN.

(a) PROHIBITION ON CONTRACTS.—

(1) PROHIBITION.—The Secretary of Defense may not enter into any contract with—

(A) an entity that engages in commercial activity in the energy sector of Iran; or

(B) a successor entity to the entity described in subparagraph (A).

(2) DEFINITION.—For purposes of this subsection, an entity engages in commercial activity in the energy sector of Iran if the entity, with actual knowledge, engages in an activity for which sanctions have been imposed under section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 2402 note).

(b) DURATION OF PROHIBITION.—The prohibition under subsection (a) shall apply with respect to an entity (or successor entity)—

(1) for a period of not less than 2 years beginning on the date that is five years after the date of the enactment of this Act; and

(2) until such time as the Secretary of Defense determines and certifies to the congressional defense committees that—

(A) the entity whose activities were the basis for imposing the prohibition is no longer engaging in such activities; and

(B) the Secretary has received reliable assurances that such entity (or successor entity) will not knowingly engage in such activities in the future, except that such prohibition shall remain in effect for a period of at least 1 year.

(c) WAIVER.—

(1) AUTHORITY.—The Secretary of Defense may waive the prohibition under subsection (a) with respect to a contract if the Secretary determines that the contract is in the interest of national security.

(2) NOTIFICATION.—Upon issuing a waiver under paragraph (1) with respect to a contract, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the activities of the entity involved, the nature of the contract, and the rationale for issuing the waiver.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. EXTENSION OF AUTHORITY TO PROHIBIT INTELLIGENCE; LIMITATION ON SPECIFICATION.

(a) EXTENSION.—Section 829 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 2533a note) is amended in subsection (b) by striking ‘‘on the date that is five years after the date of the enactment of this Act’’ and inserting ‘‘on January 1, 2021’’.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued before January 1, 2021, by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of fire resistant rayon fiber.

SEC. 812. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ‘‘subsection (d)’’ and inserting ‘‘subsection (c)’’;

(2) by striking subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

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

‘‘(e) COMPETITIVE PROCEDURES.—If the Secretary determines under subsection (a) that the requirement to procure property or services described in subsection (b) for a contract in the small arms production industrial base is not necessary to procure such industrial base, any such procurement shall be awarded through the use of competitive procedures that afford such industrial base a fair opportunity to be considered for such procurement.’’.

SEC. 813. ADDITIONAL DEFINITION RELATING TO PRECIOUS METALS.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

‘‘(11) The term ‘produced’, as used in subsections (a) and (b), means melted, or processed such as rolling, heat treatment, quenching, tempering, grinding, or shaving.’’.

Subtitle C—Studies and Reports

SEC. 821. STUDIES CONDUCTED TO IDENTIFY ANALOGOUS MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independently funded research and development center to carry out a comprehensive study of—

(A) collecting, processing, and disseminating information; (B) network commonality; (C) communication capabilities; (D) interoperability; (E) mission impact and success; and (F) cost-effectiveness.

(2) REPORT REQUIREMENT.—The Secretary shall submit to the congressional defense committees a report on the results of the study under subsection (a).

(b) JOINT STUDY.—Not later than June 30, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a).

(1) A model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of technologies into acquisition programs of the military departments;

(2) a model under which an executive agent is established to manage and oversee the acquisition of network-centric technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(3) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(4) any other model that the entity carrying out the study considers relevant.

(c) REPORT REQUIREMENT.—Not later than September 30, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments from the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ‘‘network-centric operations’’ refers to the ability of the human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, decisionmaking, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 822. ANNUAL JOINT REPORT AND COMP-TROLLOR GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 245; 10 U.S.C. 2302 note) is amended by adding at the end of title F of title VIII of the following new section (and conforming the text of such sections for such subtitle at the beginning of title VIII and at the beginning of such Act accordingly):

‘‘SEC. 865. ANNUAL JOINT REPORT AND COMP-TROLLOR GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(1) JOINT REPORT REQUIRED.—

(A) IN GENERAL.—Every 12 months, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall submit to the relevant committees of Congress a joint report on contracts in Iraq and Afghanistan.

(B) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information;

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1);

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of technologies into acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential factors in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) communication capabilities;

(D) interoperability;

(E) mission impact and success; and

(F) cost-effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model(s);

(c) REPORT REQUIREMENT.—Not later than September 30, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a).

(1) A model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of technologies into acquisition programs of the military departments;

(2) a model under which an executive agent is established to manage and oversee the acquisition of network-centric technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(3) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(4) any other model that the entity carrying out the study considers relevant.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ‘‘network-centric operations’’ refers to the ability of the human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, decisionmaking, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.''

May 27, 2010
and Afghanistan and submit to the relevant
August 5 of each year until 2013, the Comp-
under subsection (a), but in no case later than
the data contained in the common databases
Agency for International Development are using
the reporting period, for the departments and agen-
cy combined, the Secretaries and the Administr-
ated under section 861(b)(4).

SEC. 832. REPORTS ON JOINT CAPABILITIES INTE-
GRATION AND DEVELOPMENT SYS-
tem.

(a) INDEPENDENT ANALYSES.—
(1) IN GENERAL.—A comprehensive analysis of the Joint Capabilities Integration and Develop-
ment System shall be independently performed by each of the following:
(A) The Secretary of Defense.
(B) A federally funded research and development center selected by the Secretary of Defense.

(2) MATTERS COVERED.—Each such analysis shall—
(A) evaluate the entire Joint Capabilities Inte-
gration and Development System and the prob-
lems associated with it, with particular empha-
sis on the problems relating to the length of time and the costs involved in identifying, assessing, and validating joint military capability needs; and
(B) identify the best solutions to the problems evaluated under subparagraph (A) and develop recommendations to carry out those solutions.

(3) REPORTS.—Not later than six months after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representa-
tives a report on the plan, including, at a minimum, the broad objectives, milestones,
and a timeline, objectives, milestones, and development center selected under para-
graph (1), together with such center with such comments as the Secretary considers necessary on the report.

(b) IMPLEMENTATION.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Sec-
retary of Defense—
(A) shall develop and begin implementing a plan to address the problems with the Joint Capa-
bilities Integration and Development System, taking into account the recommendations developed in the analyses required under subsection (a) and as part of a program to manage perform-
ance in establishing joint military requirements; and
(B) shall submit to the Committees on Armed Services of the Senate and the House of Repre-
sentatives a report on the plan, the objectives, milestones, and procedure requirements.

(2) REPORT CONTENTS.—Each such report required under paragraph (1)(B) may be included as part of any report relating to a program to manage performance in establishing joint military require-
ments.

Subtitle D—Other Matters

SEC. 831. EXTENSION OF AUTHORITY FOR DE-
FENSE ACQUISITION CHALLENGE PROGRAM.

Section 8232 of the National Defense Author-

SEC. 834. INTERIM REPORT ON REVIEW OF IM-
PACT OF COVERED SUBSIDIES ON
Funding of KC-45 Aircraft.

(a) INTERIM REPORT.—The Secretary of De-
fense shall submit to the congressional defense committees an interim report on any review of a covered subsidy pursuant to subsection (a) of section 861 of the Duncan Hunter Na-
tional Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) not later than six months after the date of the initiation of the review.

(b) REPORT CONTENTS.—The report required by subsection (a) shall contain detailed findings relating to the covered subsidy that led to the initiation of the review on the source selection process for the KC-45 Aerial Refuel-
ing Aircraft Program or any successor to such program. The report shall also include a description of how the agency would provide a unfair competitive advantage to any bidder in the source selection process.

SEC. 835. EXTENSION OF COMPTROLLER GEN-
ERAL REVIEW AND REPORT ON CON-
TRACTING IN IRAQ AND AFGHAN-
ISTAN.

Section 863 of the National Defense Author-

SEC. 835. REPORTS TO CONGRESSIONAL COMMITTEE.

(a) COMMISSION ON CONSTRUCTION.—Not later than six months after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the Senate Armed Services Committee a report on the Secretary’s implementation of the recommendations made by the Commission on Construction, including, at a minimum—
(A) a report by the Secretary on the analysis performed by the Secretary under paragraph (1), with particular emphasis on the impact of the Commission’s recommendations on the programs and projects.

(b) IMPLEMENTATION.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Sec-
retary of Defense—
(A) shall establish and begin implementing a plan to address the problems with the Joint Capa-
bilities Integration and Development System, taking into account the recommendations developed in the analyses required under subsection (a) and as part of a program to manage perform-
ance in establishing joint military requirements; and
(B) shall submit to the Congress an updated report, together with such comments as the Secretary considers necessary on the report.

(c) REPORT CONTENTS.—The report required under paragraph (1)(B) shall include, at a minimum—
(A) a detailed review of the Secretary’s implementation of the recommendations made by the Commission on Construction, including, at a minimum, the objectives, milestones, and a timeline, objectives, milestones, and development center selected under paragraph (1), together with such comments as the Secretary considers necessary on the report.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) is applicable to contracts awarded under the contract covered by the report submitted under paragraph (1)(B).

Subtitle C—Other Matters

SEC. 832. CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(a) CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(1) IN GENERAL.—The Secretary of Defense shall—
(A) ensure that strategies for acquiring products or services meet departmental or agency performance requirements that favor products or services described in paragraph (2) if such products or services can be acquired on a life cycle cost-neutral basis.

(b) CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(1) IN GENERAL.—The Secretary of Defense shall—
(A) establish and begin implementing a plan to address the problems with the Joint Capabilities Integration and Development System, taking into account the recommendations made by the Commission on Construction, including, at a minimum—
(A) a detailed review of the Secretary’s implementation of the recommendations made by the Commission on Construction, including, at a minimum, the objectives, milestones, and a timeline, objectives, milestones, and development center selected under paragraph (1), together with such comments as the Secretary considers necessary on the report.

(b) IMPLEMENTATION.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Sec-
retary of Defense—
(A) shall establish and begin implementing a plan to address the problems with the Joint Capa-
bilities Integration and Development System, taking into account the recommendations developed in the analyses required under subsection (a) and as part of a program to manage perform-
ance in establishing joint military requirements; and
(B) shall submit to the Congress an updated report, together with such comments as the Secretary considers necessary on the report.

(c) REPORT CONTENTS.—The report required under paragraph (1)(B) shall include, at a minimum—
(A) a detailed review of the Secretary’s implementation of the recommendations made by the Commission on Construction, including, at a minimum, the objectives, milestones, and a timeline, objectives, milestones, and development center selected under paragraph (1), together with such comments as the Secretary considers necessary on the report.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) is applicable to contracts awarded under the contract covered by the report submitted under paragraph (1)(B).

Subtitle D—Other Matters

SEC. 831. EXTENSION OF AUTHORITY FOR DE-
FENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359(b) of title 10, United States Code, is amended by striking “2012” and inserting “2017”.

SEC. 832. CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(a) CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(1) IN GENERAL.—The Secretary of Defense shall—
(A) ensure that strategies for acquiring products or services meet departmental or agency performance requirements that favor products or services described in paragraph (2) if such products or services can be acquired on a life cycle cost-neutral basis.

(b) CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(1) IN GENERAL.—The Secretary of Defense shall—
(A) ensure that strategies for acquiring products or services meet departmental or agency performance requirements that favor products or services described in paragraph (2) if such products or services can be acquired on a life cycle cost-neutral basis.
SEC. 835. DETERMINATION OF STRATEGIC OR CRITICAL RARE EARTH MATERIALS FOR DEFENSE APPLICATIONS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall undertake an assessment of the supply chain for rare earth materials and determine which, if any, rare earth materials are strategic or critical. The term ‘rare earth materials’ means critical to national security. For the purposes of the assessment—

(1) the Secretary may consider the views of other Federal agencies, as appropriate;

(2) any study conducted by the Director, Industrial Policy during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section;

(3) any study conducted by the Comptroller General of the United States during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section; and

(4) the Secretary shall consider the sources of rare earth materials (both in terms of source nations and vendors) including rare earth elements, rare earth metals, rare earth magnets, and other components containing rare earths.

(b) PLAN.—In the event that the Secretary determines that a rare earth material is a strategic material or a material critical to national security, the Secretary shall develop a plan to ensure the long-term availability of such rare earth material, with a goal of establishing domestic sources of such material by December 31, 2015. In developing the plan, the Secretary shall—

(1) conduct an assessment of including the material in the National Defense Stockpile;

(2) in consultation with the United States Trade Representative, the identification of any other entity holding a facility clearance.

SEC. 836. REVIEW OF NATIONAL SECURITY EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the implementation of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code, and by subsection (a) and the plan (if any) developed under subsection (b).

(b) PLAN.—In the event that the Secretary determines that a rare earth material is a strategic material or a material critical to national security, the Secretary shall develop a plan to establish the domestic sources by December 31, 2015; and

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees described in paragraph (2) a report containing the findings of the assessment under subsection (a) and the plan (if any) developed under subsection (b).

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are as follows:

(A) The congressional defense committees;

(B) The Committee on Ways and Means of the House of Representatives;

(C) The Committee on Finance and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(d) DEFINITIONS.—In this section—

(1) the term ‘rare earth material’ means a material—

(A) which is essential for military equipment; and

(B) which is unique in the function it performs;

(2) the term ‘strategic material’ means a material—

(A) which is essential for military equipment; and

(B) which is unique in the function it performs; and

(3) for which there are no viable alternatives.

(2) MATERIALS CRITICAL TO NATIONAL SECURITY.—The term ‘material critical to national security’ has the meaning provided by section 187(e)(10), United States Code, as amended by section 827 of this Act.

TITLES X TO XI

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management


(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(b) OTHER STATUTORY OFFICES.—The position of the Under Secretary of the Navy is redesignated as the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy.
are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ‘MILITARY DEPARTMENT’.— Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

‘‘(8) The term ‘military department’ means the Department of the Army, the Department of the Navy, and the Department of the Air Force.’’

(2) ORGANIZATION OF DEPARTMENT.—The text of section 501 of such title is amended to read as follows: ‘‘The Department of the Navy and Marine Corps shall be composed of the following: Secretary of the Navy and Marine Corps.’’

(3) POSITION OF SECRETARY.—Section 501(a)(1) of such title is amended by striking ‘‘There is a Secretary of the Navy and inserting ‘‘There is a Secretary of the Navy and Marine Corps’’.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows: ‘‘CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS’’.

(B) The heading of chapter 507 of such title is amended to read as follows: ‘‘CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS’’.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ‘‘Department of the Navy’’ and ‘‘Secretary of the Navy’’ each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, sub-sections of chapters, and tables of sections) and inserting ‘‘Department of the Navy and Marine Corps’’ and ‘‘Secretary of the Navy and Marine Corps’’, respectively, in each case with the matter inserted to be in the same typeface and typography as the matter amended.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5021(a), and 5042(a) of such title are amended by striking ‘‘Assistant Secretaries of the Navy and Marine Corps’’. (ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ‘‘and Marine Corps’’ after ‘‘of the Navy’’, with the matter inserted in each case to be in the same typeface and typography as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ‘‘Department of the Navy’’ and ‘‘Secretary of the Navy’’ each place they appear and inserting ‘‘Department of the Navy and Marine Corps’’ and ‘‘Secretary of the Navy and Marine Corps’’, respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy and Marine Corps shall be considered to be a reference to the Department of the Navy and Marine Corps, any such reference to an officer specified in such section (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(effective date.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 902. REALIGNMENT OF THE ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE SECRETARY OF DEFENSE TO COMPLY WITH REDUCTION REQUered by law in the number of deputy under secretaries of defense.

(a) REDENOMINATION OF CERTAIN POSITIONS IN THE OFFICE OF THE SECRETARY OF DEFENSE.— Positions in the Office of the Secretary of Defense restructured as follows:

(1) The Director of Defense Research and Engineering is redesignated as the Assistant Secretary of Defense for Research and Engineering.

(2) The Director of Operational Energy Plans and Programs is redesignated as the Assistant Secretary of Defense for Operational Energy Plans and Programs.

(b) The Director of Cost Assessment and Program Evaluation is redesignated as the Assistant Secretary of Defense for Cost Assessment and Program Evaluation.

(4) The Assistant to the Secretary of Defense for Nuclear and Chemical Biological Defense Programs is redesignated as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(c) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RELATING TO THE ORGANIZATION OF DEPARTMENT.—Chapter 4 of title 10, United States Code, is amended as follows:

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ‘‘Deputy Under Secretary of Defense for Policy and Program Evaluation’’ and inserting ‘‘Assistant Secretary of Defense for Policy and Program Evaluation’’.

(2) OTHER REFERENCES.—Any reference in any regulation, document, record, or other paper of the United States Code, or in any regulation, document, record, or other paper of the United States, to the Deputy Under Secretary of Defense for Policy and Program Evaluation shall be considered to be a reference to the Assistant Secretary of Defense for Policy and Program Evaluation.

(d) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Deputy Under Secretary of Defense for Policy and Program Evaluation shall be considered to be a reference to the Assistant Secretary of Defense for Policy and Program Evaluation.

(5) A SSISTANT SECRETARY FOR LOGISTICS AND MATERIAL READINESS.—Section 138(a) is amended—

(1) The Deputy Secretary of Defense.

(2) The Under Secretary of Defense, as follows:

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

(B) The Under Secretary of Defense for Policy.

(C) The Under Secretary of Defense for Personnel and Readiness.

(D) The Under Secretary of Defense for Intelligence.

(3) OTHER REFERENCES.—

(A) The Deputy Chief Management Officer of the Department of Defense.

(B) The Assistant Secretary of Defense for Logistics and Readiness.

(C) The Inspector General of the Department of Defense.

(D) The General Counsel of the Department of Defense.

(E) The Principal Deputy Under Secretary of Defense.

(F) One of the Assistant Secretaries for Acquisition, Technology, and Logistics.

(G) The Assistant Secretary of Defense for Acquisition, Technology, and Logistics.

(H) The Assistant Secretary of Defense for Logistics and Readiness.


(J) The General Counsel of the Department of Defense.

(4) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Secretary of Defense, shall be considered to be a reference to the Assistant Secretary of Defense for Logistics and Material Readiness.

(5) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Secretary of Defense, shall be considered to be a reference to the Assistant Secretary of Defense for Logistics and Material Readiness.
(A) by striking “There is a” and inserting “The”; and

(b) by striking “in” and inserting “the Assistant Secretary for Defense for Nuclear, Chemical, and Biological Defense Programs”;

(c) by striking “and” and inserting “and”;

(d) in paragraph (5), by striking “director” and inserting “the official designated under subsection (a)”;

(e) in paragraph (6), as redesignated, by striking “the official designated under subsection (a)” and inserting “the official designated under subsection (a)”;

(f) in paragraph (6), as so redesignated, by striking “the Assistant Secretary for Defense for Nuclear, Chemical, and Biological Defense Programs” and inserting “the Assistant Secretary for Defense for Nuclear, Chemical, and Biological Defense Programs”;

(3) DEPUTY CHIEF MANAGEMENT OFFICER.—Such chapter is amended by inserting “the Assistant Secretary for Defense for Nuclear, Chemical, and Biological Defense Programs” and inserting “the Assistant Secretary for Defense for Nuclear, Chemical, and Biological Defense Programs”;

(4) DIRECTOR OF SYSTEMS ENGINEERING.—Subsection (a) of such section is amended—

(A) by striking “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Assistant Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

(B) by redesignating paragraph (4), as so redesignated, by striking “section 103 of the Weapon Systems Acquisition Reform Act of 2009” and inserting “section 243a of this title”;

(5) JOINT GUIDANCE.—Subsection (d) of such section is amended—

(A) by striking “in the matter preceding paragraph (1)” and inserting “in the matter preceding paragraph (1)”;

(B) by striking “(b) DIRECTOR OF” and all that follows through paragraph (3) and inserting “(b) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Assistant Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

(2) SUPervision.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.

(6) DEPUTY CHIEF MANAGEMENT OFFICER.—Subsection (a) of such section is amended—

(A) by striking “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Assistant Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

(2) SUPervision.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.

(C) by striking “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Assistant Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

(2) SUPervision.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.

(D) by striking “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Assistant Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

(2) SUPervision.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.

(E) by striking “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Assistant Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

(2) SUPervision.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.

(F) by striking “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Assistant Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

(2) SUPervision.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.
(ii) by striking "office" both places it appears and inserting "activity";
(B) in subparagraph (B)(i), by striking "to the office" and inserting "activity";
(C) in subparagraph (B)(ii), by striking "of the office" and inserting "of the activity"; and
(D) in subparagraph (C), by striking "office" and inserting "activity".
(h) REPEAL OF STATUTORY REQUIREMENT FOR DIRECTOR OF OFFICE FOR CORROSION POLICY AND OVERSIGHT IN OSD.—Section 2228 of title 10, United States Code, is amended—
(1) in subsection (a)—
(A) by striking the subsection heading and inserting "OFFICE OF CORROSION POLICY AND OVERSIGHT OF RESPONSIBILITY'';
(B) by amending paragraph (2) to read as follows:
"The Secretary of Defense shall designate, from among civilian employees of the Department of Defense with the qualifications described in paragraph (4), an official to be responsible to the Secretary of Defense and the Under Secretary of Defense for Research and Engineering for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense and reporting to the Secretary of the Office of Corrosion Policy and Oversight.''
(C) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;
(D) by inserting after paragraph (2) the following new paragraph (3):
"(3) The official designated under paragraph (2) shall report directly to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.''
(E) in paragraph (4), as so redesignated, by striking "assistant to the position of Director of Defense Research and Engineering" and inserting "designated under paragraph (2)''; and
(F) in paragraph (5), as so redesignated, by striking "of Director" and inserting "held by the official designated under paragraph (2)'';
(2) in subsection (b)—
(A) by striking "Director of Corrosion Policy and Oversight (in this section referred to as 'the Director')" in paragraph (1) and inserting "official designated under subsection (a)(2)''; and
(B) by striking "Director'" in paragraphs (2), (3), (4), and (5) and inserting "designated official'";
(3) in subsection (c), by striking "ADDITIONAL AUTHORITIES" and all that follows through and including "ADDITIONAL DUTIES.''
"The official designated under subsection (a) shall—''; and
(4) in subsection (e), by striking beginning with the budget for fiscal year 2009,''
(i) REPEAL OF STATUTORY LIMITATION ON NUMBER OF DEPUTY SECRETARIES OF DEFENSE.—
(Section 566a(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10 U.S.C. 113a note) is repealed.
(ii) The following sections are amended by striking "Chief of Naval Operations'" and inserting "Assistant Secretary of the Navy for Research and Engineering'".
(iii) The heading of section 138b is amended to read "Assistant Secretary of the Navy for Research and Engineering'".
(3) Section 2277 is amended by striking "Director of Defense Research and Engineering' each place it appears and inserting "Assistant Secretary of Defense for Research and Engineering' each place it appears.
(4) Section 2334 is amended—
(A) by striking "Director of Cost Assessment and Program Evaluation' and inserting "Assistant Secretary of Defense for Cost Assessment and Program Evaluation'"; and
(B) by striking "Director' each place it appears (other than as specified in subparagraph (A)) and inserting "Assistant Secretary'".
Section 2365 is amended—
(A) in subsection (a), by striking "Director of Defense Research and Engineering' and inserting "Assistant Secretary of Defense for Research and Engineering'";
(B) in subsection (d)(1), by striking "Director' and inserting "Assistant Secretary'";
(C) in subsection (d)(2)—
(i) by striking "Director of Defense Research and Engineering' and inserting "Assistant Secretary of Defense for Research and Engineering'";
(ii) by striking "Director may' and inserting "Assistant Secretary may'"; and
(D) in subsection (e), by striking "Director' and inserting "Assistant Secretary'".
(2) Sections 2350a(g)(3), 2366b(a)(2)(D), 2374a(a), and 2517(a) are amended by striking "Director of Defense Research and Engineering' and inserting "Assistant Secretary of Defense for Research and Engineering'".
(3) Section 2002(b) is amended—
(A) in paragraph (1), by striking "Deputy Under Secretary of Defense for Science and Technology' and inserting "official within the Office of the Assistant Secretary of Defense for Research and Engineering' who is responsible for science and technology'"; and
(B) in paragraph (2), by striking "Deputy Under Secretary of Defense' and inserting "Official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics'";
(K) OTHER CONFORMING AMENDMENTS.—
(2) Section 201(d) of the Weapons Systems Acquisition Reform Act of 2009 (10 U.S.C. 181 note) is amended by striking "The Director of Cost Assessment and Program Evaluation' and inserting "Assistant Secretary of Defense for Cost Assessment and Program Evaluation'"; and
(B) by striking "the Director' and inserting "the Assistant Secretary'".
(2) The heading of section 137a is amended to read as follows:
"§ 137a. Principal Deputy Under Secretaries of Defense".
(B) The heading of section 138b, as transferred and redesignated by subsection (b)(6), is amended to read as follows:
"§ 138b. Assistant Secretary of Defense for Research and Engineering".
(C) The heading of section 138c, as transferred and redesignated by subsection (b)(7), is amended to read as follows:
"§ 138c. Assistant Secretary of Defense for Operational Energy Programs and Projects".
(D) The heading of section 138d, as transferred and redesignated by subsection (b)(8), is amended to read as follows:

(E) The heading of section 138a, as transferred and redesignated by section (b)(9), is amended to read as follows: "§138a. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs."

(F) The heading of section 2228 is amended to read as follows: "§2228. Military equipment and infrastructure: prevention and mitigation of corrosion."

(G) The heading of section 2438 is amended to read as follows: "§2438. Developmental test and evaluation; systems engineering: designation of responsible officials; joint guidance."

(2) CLERICAL AMENDMENTS—Title 10, United States Code, is further amended as follows:

(a) The table of sections at the beginning of chapter 4 is amended—

(i) by inserting after the item relating to section 132 the following new item:

(12a. Deputy Chief Management Officer."

(ii) by striking the items relating to sections 131a, 131a, and 136a;

(iii) by amending the item relating to section 137a to read as follows:

(13a. Principal Deputy Under Secretary of Defense."

(iv) by inserting after the item relating to section 138a the following new items:

(13b. Assistant Secretary of Defense for Research and Engineering.

(13c. Assistant Secretary of Defense for Operational Energy Plans and Programs.

(13d. Assistant Secretary of Defense for Cost Assessment and Program Evaluation.

(13e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs."

(b) by striking the items relating to sections 139a, 139d, 142, and 144;

(B) The item relating to section 2228 in the tables of sections at the beginning of chapter 131 is amended to read as follows:

"2228. Military equipment and infrastructure: prevention and mitigation of corrosion."

(C) The table of sections at the beginning of chapter 144 is amended by inserting after the item relating to section 2437 the following new items:

"2438. Developmental test and evaluation; systems engineering: designation of responsible officials; joint guidance.

2438a. Performance assessments and root cause analyses.

(D) The table of sections at the beginning of subsection 11 of chapter 14 is amended by inserting after the item relating to section 2507 the following new items:

"2508. Small Business Programs."

(m) EXECUTIVE SCHEDULE AMENDMENTS.—Chapter 53 of title 5, United States Code, is amended as follows:

(1) by inserting "Assistant Secretaries of Defense (12)" and inserting "Assistant Secretaries of Defense (10)";

(2) by striking the item relating to section 135 as redesignated by subsection (a) and inserting: "Assistant Secretary of Defense for Nuclear and Chemical and Biological Defense Programs."

(3) AMENDMENTS TO DELETE REFERENCES TO POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section 335(h) is amended to exempt from the requirements of section 164(a)(1) of this title:

(d) SUBORDINATE COMMISSION.-(1) The unified medical command shall have the following subordinate commands:

(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall also be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities (whether or not relating to the unified medical command):

(3) The Defense Health Agency established under subsection (f).

The commander of a subordinate command of the unified medical command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

(a) Developing programs and doctrine.

(b) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

(c) Exercising authority, direction, and control over the expenditure of funds—

(i) for forces assigned to the unified medical command;

(ii) for forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

(iii) for military construction funds of the Defense Health Program.

(D) Training assigned forces.

(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

(F) Validating requirements.

(G) Establishing priorities for requirements.

(H) Ensuring the interoperability of equipment and forces.

(i) Points of the promotions, assignments, retention, training, and professional military education of military officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(i) of title 37.

(j) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 10903 of title 41, and shall transfer to
such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(f)).

(2) (A) The Director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The Director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The Director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 331(h)(5) of title 37.

(3) (A) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”.

(c) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized by subsection (b) of title 10, United States Code, as added by subsection (b), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

Subtitle B—Space Activities

SEC. 911. INTEGRATED SPACE ARCHITECTURES.

The Secretary of Defense and the Director of National Intelligence shalljointly establish the capability to conduct integrated national security space architecture planning, development, coordination, and execution. This subsection—

(1) encompasses defense and intelligence space plans, programs, budgets, and organizations;

(2) promotes long-term recommendations to guide space-related defense and intelligence acquisitions, requirements, and investment decisions;

(3) is independent of the space architecture planning, development, coordination, and analysis activities of each military department and each element of the intelligence community (as defined in section 101 of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(4) makes use of, to the maximum extent practicable, joint duty assignment positions (as defined in section 687).

Subtitle C—Intelligence-Related Matters

SEC. 921. 5-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO EN- GAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTING ACTIVITIES.

The second sentence of section 431(a) of title 10, United States Code, is amended by striking “December 31, 2010” and inserting “December 31, 2015”.

SEC. 922. SPACE AND COUNTERSPACE INTELLIGENCE ANALYSIS.

(a) DESIGNATION OF LEAD INTEGRATOR.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Director of the Defense Intelligence Agency shall designate a lead integrator for foreign space and counterspace defense intelligence analysis.

(B) INITIAL DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall designate an initial lead integrator under subparagraph (A).

(2) NOTICE.—Not later than 30 days after the date on which the Director of the Defense Intelligence Agency designates a lead integrator under paragraph (1)(A), the Director shall notify the congressional defense committees, the Permanent Select Committee on Intelligence of the Senate, and the Select Committee on Intelligence of the Senate of the designation of such lead integrator or the removal of such designation.

(b) AUTHORITY TO CONDUCT ORIGINAL ANALYSIS.—The Director of the Defense Intelligence Agency shall authorize a lead integrator designated under subsection (a) to conduct original intelligence analysis and production within the areas of responsibility of such lead integrator.

(c) DEFINITIONS.—In this section:

(1) LEAD INTEGRATOR.—The term “lead integrator” means, with respect to a particular subject matter, an individual or organization with primary responsibility for the review, coordination, and integration of defense intelligence analysis and production related to such subject matter to—

(A) ensure the development of coherent assessments and intelligence products; and

(B) manage and consolidate defense intelligence tasking.

(2) ORIGINAL INTELLIGENCE ANALYSIS.—The term “original intelligence analysis” means the development and dissemination of intelligence materials based on raw data and intelligence reporting.

Subtitle D—Other Matters

SEC. 931. REVISIONS TO THE BOARD OF REGENTS FOR THE UNIVERSITY OF THE HEALTH SCIENCES FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) IN GENERAL.—Section 166a(e)(1) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

“(2) four persons, of whom the chairman and ranking members on Armed Services of the Senate and House of Representatives may each appoint one person, respectively.”.

SEC. 932. INCREASED FLEXIBILITY FOR COMBAT- AN'T COMMANDER INITIATIVE FUND.

(a) IN GENERAL.—Section 166a(e)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “and” and inserting “;” at the end;

(2) by striking paragraph (C); and

(3) by adding at the end the following:

“(D) not more than $10,000,000 may be used for research, development, test and evaluation activities.”.

(b) APPLICABILITY.—The amendments made by this section shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2011.

SEC. 933. TWO-YEAR EXTENSION OF AUTHORITY RELATING TO TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES UNDER THE NONGOVERNMENT PERSONAL MENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS.


(b) ANNUAL REPORT.—Paragraph (3) of such section is amended by striking “in 2010 and 2011” and inserting “in each year through 2011”.

SEC. 934. ADDITIONAL REQUIREMENTS FOR QUADRENNAL ROLES AND MISSIONS REVIEW.

(a) ADDITIONAL ACTIVITIES CONSIDERED.—As part of the quadrennial roles and missions review conducted in 2011 pursuant to section 110b of title 10, United States Code, the Secretary of Defense shall give consideration to the following activities, giving particular attention to their role in counter-terrorism operations:

(1) Information operations.

(2) Strategic communications.

(3) Detention and interrogation.

(b) ADDITIONAL REPORT REQUIREMENT.—In the report required by section 118(b)(5) of such title for such review in 2011, the Secretary of Defense shall—

(1) provide clear guidance on the nature and extent of which core competencies are associated with the activities listed in subsection (a); and

(2) identify the elements of the Department of Defense that are responsible or should be responsible for providing such core competencies.

SEC. 935. CODIFICATION OF CONGRESSIONAL NO- TIFICATION OF LEAD INTEGRATOR DESIGNATION OR REMOVAL OF LEAD INTEGRATOR DESIGNATION.

(a) CODIFICATION AND RELATED REPORT.—

Chapter 6 of title 10, United States Code, is amended by inserting after section 162 the following new section:

“§1622a. Congressional notification before permanent relocation of any United States military unit stationed outside the United States.

“(a) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States.

“(b) ELEMENTS OF NOTIFICATION.—The notification required by subsection (a) shall include a description of the following:

“(1) How relocation of the unit supports the United States national security strategy.

“(2) Whether the relocation of the unit will have an impact on any security commitments undertaken by the United States or to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

“(3) How relocation of the unit addresses the current security environment in the affected geographic combatant command’s area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

“(4) How relocation of the unit impacts the status of overseas base defense and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

“(c) EXCEPTIONS.—Subsection (a) does not apply in the case of—

“(1) the relocation of a unit deployed to a combat zone; or

“(2) the relocation of a unit as the result of closure of an overseas installation at the request of the government of the host nation in the transition period between the United States and the host nation regarding the installation.
SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and available for the same purposes as the authorizations from which transferred.

(b) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred so an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (c).

SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN, IRAQ, AND HAITI FOR FISCAL YEAR 2010.

In addition to the amounts otherwise authorized to be appropriated by this division, the amounts appropriated for fiscal year 2010 in title XV of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441) are hereby increased, with respect to any such authorized amount, as follows:

(A) For aircraft procurement, Army, by $1,997,918,000.

(B) For aircraft procurement, Navy, by $104,693,000.

(C) For aircraft procurement, Air Force, by $15,000,000.

(D) For aircraft procurement, Marine Corps, by $15,927,000.

(E) For aircraft procurement, Air Force, by $299,566,000.

(F) For ammunition procurement, Air Force, by $5,000,000.

(G) For other procurement, Air Force, by $576,000.

(H) For the Mine Resistant Ambush Protected Vehicle Fund, by $1,123,000,000.

(I) For defense-wide activities, by $189,276,000.

(J) The amounts provided in section 1508 of such Act for research, development, test, and evaluation are increased as follows:

(A) For the Army, by $61,962,000.

(B) For the Navy, by $5,360,000.

(C) For the Air Force, by $187,651,000.

(D) For defense-wide activities, by $22,138,000.

(E) The amounts provided in sections 1509, 1511, 1513, 1514, and 1515 of such Act for operation and maintenance are increased as follows:

(A) For the Army, by $3,000,000.

(B) For the Navy, by $2,428,702,000.

(C) For the Marine Corps, by $1,090,873,000.

(D) For the Air Force, by $3,845,047,000.

(E) For defense-wide activities, by $1,188,421,000.

(F) For the Army Reserve, by $67,399,000.

(G) For the Navy Reserve, by $61,842,000.

(H) For the Marine Corps Reserve, by $674,000.

(I) For the Air Force Reserve, by $85,819,000.

(J) For the Army National Guard, by $171,834,000.

(K) For the Air National Guard, by $151,281,000.

(L) For the Defense Health Program, by $23,367,000.

(M) For Drug Interdiction and Counternarcotics Activities, Defense-wide, by $94,000,000.

(N) For the Afghanistan Security Forces Fund, by $2,604,000,000.

(O) For the Iraq Security Forces Fund, by $1,000,000,000.

(P) For Overseas Humanitarian, Disaster and Civic Aid, by $255,000,000.

(Q) For Overseas Contingency Operations Transfer Fund, by $3,000,000,000.

(R) For Working Capital Funds, by $974,967,000.

(S) The amount provided in section 1512 of such Act for military personnel accounts is increased by $1,895,761,000.

SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted in accordance with the Congressional Review Act by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

SEC. 1012. JOINT TASK FORCE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM ACTIVITIES.


SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.


SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) section 1063 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 112 Stat. 3617), as most recently amended by section 1014(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking “2010” and inserting “2011.”

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking “fiscal years 2009 and 2010” and inserting “fiscal years 2009 and 2011.”

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. REQUIREMENTS FOR LONG-RANGE PLAN FOR CONSTRUCTION OF NAVAL VESSELS.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended to read as follows:

“$231. Long-range plan for construction of naval vessels

“(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION PLAN.—At the same time that the budget of the President is submitted under title II of this Act, the Secretary of the Navy shall submit to the congressional defense committees a long-range plan for the construction of combatant and support vessels for the Navy that supports the force structure recommendations of the quadrennial defense review.

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

(1) A detailed construction plan for new naval vessels for the ten-year period beginning on the date on which the plan is submitted, including a certification by the Secretary that the budget for the fiscal year in which the plan is submitted and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedule;

(2) A probable construction schedule for the ten-year period beginning on the date that is 10 years after the date on which the plan is submitted;

(3) A notional construction schedule for the ten-year period beginning on the date that is 20 years after the date on which the plan is submitted;

(4) The estimated levels of annual funding necessary to carry out the construction schedules under paragraphs (1) and (2) and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedules;

(5) For the construction schedules under paragraphs (1) and (2) and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedules;

(6) An evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans;
missions, deployment schedules, and fulfillment of the requirements of the combatant commanders.

(c) NAVAL COMPOSITION.—In submitting the plan under subsection (a), the Secretary shall ensure that such plan—

"(1) is in accordance with section 5062(b) of this title; and

"(2) phases the construction of new aircraft carriers during the periods covered by such plan in a manner that minimizes the total cost for procurement of such vessels;"

"(d) ASSESSMENT WHEN BUDGET IS INSUFFICIENT.—If the budget for a fiscal year provides funds for the construction of naval vessels at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(5), the Secretary of the Navy shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure due to funding for naval vessel construction at such a level.

"(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional budget committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the construction programs and the scheduled levels of annual funding included in such plan with respect to the budget submitted during the year in which the budget was submitted and the future-years defense program submitted under section 221 of this title.

"(f) CHANGES TO THE CONSTRUCTION PLAN.—In any year in which a quadrennial defense review is not submitted, the Secretary of the Navy may not modify the construction schedules submitted under 221 of this title and the Secretary submits to the congressional defense committees a report on such modification, including—

"(A) the reasons for realignment;

"(B) any increased cost that will be incurred by the Navy because of the realignment;

"(C) the effects of the realignment on the shipbuilding industrial base, including the secondary supply base; or

"(D) the modification is a decrease in the number or type of combatant and support vessels of the Navy and the Secretary submits to the congressional defense committees a report on such modification, including—

"(A) an addendum to the most recent quadrennial defense review that fully explains and justifies the decrease with respect to the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a); and

"(B) a description of the additional reviews and assessments conducted by the Secretary after the previous quadrennial defense review was submitted that justified the decrease.

"(g) DEFINITIONS.—In this section:

"(1) the term 'fiscal year', means the fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) the term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of that fiscal year.

"(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years;

(b) CLERICAL AMENDMENT.—The section at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

"231. Long-range plan for construction of naval vessels.;

SEC. 1022. REQUIREMENTS FOR THE DECOMMISSIONING OF NAVAL VESSELS.

(a) NOTICE OF DECOMMISSIONING.—The Secretary of the Navy may not decommission any naval vessel of the active fleet of the Navy unless the Secretary submits to the congressional defense committees written notification of such decommissioning in accordance with established procedures.

(b) CONTENT OF NOTIFICATION.—Any notification provided under subsection (a) shall include each of the following:

"(1) The reasons for the proposed decommissioning of the vessel.

"(2) An analysis of the effect the decommissioning would be likely to have on the deployment schedules of other vessels in the same class as the vessel proposed to be decommissioned.

"(3) A certification from the Chairman of the Joint Chiefs of Staff that the decommissioning of the vessel will not adversely affect the requirements of the combatant commanders to fulfill missions critical to national security.

"(4) Any budgetary implications associated with retaining the vessel in commission, expressed for each applicable appropriation account.

SEC. 1023. REQUIREMENTS FOR THE SIZE OF THE NAVAL VESSEL COMPOSITION.

(a) LIMITATION ON DECOMMISSIONING.—Until the number of vessels in the battle force fleet of the Navy reaches 313 vessels, the Secretary of the Navy shall not decommission, in a fiscal year, not later than 30 days before the first day of such fiscal year, any vessel not designated as a battle force vessel in the fiscal year 2010 fiscal year plan for construction of naval vessels the U.S.S. Nassau (LHA 4) and the U.S.S. Peleliu (LHA 5), in a commissioned and operational state, that is assigned to the Navy's battle force fleet as of September 30, 2010, and the vessel designated as LHA 7, respectively.

(b) TREATMENT OF SUBMARINES.—For purposes of subsection (a), submarines of the battle force fleet slated for decommissioning for any reason shall not be counted in the number of vessels the Secretary of the Navy is required to maintain for that fiscal year.

SEC. 1024. RETENTION AND STATUS OF CERTAIN NAVAL VESSELS.

The Secretary of the Navy shall retain the vessels the U.S.S. Nassau (LHA 4) and the U.S.S. Peleliu (LHA 5), in a commissioned and operational state, that is assigned to the Navy's battle force fleet as of September 30, 2010, and the vessel designated as LHA 7, respectively.

SEC. 1025. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DESCRIBED.—The Secretary of Defense may not use any of the amounts authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer or release any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, to any other foreign country, or to any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

"(a) LIMITATION.—The Secretary of Defense may not use any of the amounts authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, to any other foreign country, or to any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

"(b) CERTIFICATION.—The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or entity and subsequently recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred or released:

"(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

"(2) maintains effective control over each detention facility in which an individual is to be detained or to any other foreign country, or to any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

"(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

"(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

"(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; or

"(6) has agreed to share any information with the United States that—

"(A) is related to the individual or any associates of the individual;

"(B) could affect the security of the United States, its citizens, or its allies;

"(C) is not a matter of national defense or foreign policy; and

"(D) is not a matter of national defense or foreign policy in cases of prior confirmed recidivism.

"(1) PROHIBITION.—The Secretary of Defense may not use any amount authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody of the individual's country of origin, to any other foreign country, or to any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time from November 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.
(2) Waiver.—The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States. No transfer shall be made under this paragraph unless the Secretary determines in writing and under oath that the waiver is in the national security interests of the United States.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any individual described in subsection (c) for the purposes of detention or imprisonment in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(c) EXCEPTIONS.—The Secretary of Defense may waive the prohibition in subsection (a) if the Secretary determines that such a transfer is in the national security interests of the United States. No transfer shall be made under this paragraph unless the Secretary determines in writing and under oath that the waiver is in the national security interests of the United States.

SEC. 1035. PROHIBITION ON THE USE OF FUNDS TO MODIFY OR CONSTRUCT FACILITIES IN THE UNITED STATES TO HOUSE DETAINED PERSONNEL FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—None of the funds authorized to be made available by this Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who, as of October 1, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody of or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(d) REPORT ON USE OF FACILITIES IN THE UNITED STATES TO HOUSE DETAINEE TRANSFERS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(1) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report, in classified or unclassified form, on the merits, costs, and risks of using any proposed facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(2) ELEMENTS OF THE REPORT.—The report required under paragraph (1) shall include each of the following:

(A) A discussion of the merits associated with any such proposed facility that would justify—

(i) using the facility instead of the facility at United States Naval Station, Guantanamo Bay, Cuba; and

(ii) the proposed facility’s contribution to effecting a comprehensive policy for continuing military detention operations.

(B) The rationale for selecting the specific site for any such proposed facility, including details for the processes and criteria used for identifying the merits described in subparagraph (A) and for selecting the proposed site over reasonable alternatives.

(C) A discussion of any potential risks to any community in the vicinity of any such proposed facility, the measures that could be taken to mitigate such risks, and the likely cost to the Department of Defense of implementing such measures.

(D) A discussion of any necessary modifications to any such proposed facility to ensure that any detainee transferred from Guantanamo Bay to such facility could not come into contact with any other individual, including any other person detained at such facility, that is not approved for such contact by the Department of Defense, and an assessment of the likely costs of such modifications.

(E) A discussion of any support at the site of any such proposed facility that would likely be provided by the Department of Defense, including the number of personnel required for each type, and an estimate of the cost of such support.

(F) A discussion of any support, other than support provided at a proposed facility, that would likely be provided by the Department of Defense for the operation of any such proposed facility, including the types of possible support, the number of personnel required for each such type, and an estimate of the cost of such support.

(G) A discussion of the legal issues, in the judgment of the Secretary of Defense, that could be raised as a result of detaining or imprisoning any individual described in subsection (c) at any such proposed facility, that would not be raised while such individual is detained or imprisoned at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1036. COMPREHENSIVE REVIEW OF FORCE PROTECTION POLICIES.

(a) COMPREHENSIVE REVIEW REQUIRED.—The Secretary of Defense shall conduct a comprehensive review of Department of Defense policies, regulations, instructions, and directives pertaining to force protection within the Department.

(b) MATTERS COVERED.—The review required under subsection (a) shall include an assessment of each of the following:

(1) Information sharing practices across the Department of Defense, and among the State, local, and Federal partners of the Department of Defense.

(2) Antiterrorism and force protection standards relating to standoff distances for buildings.

(3) Protective standards relating to chemical, biological, radiological, nuclear, and high explosives threats.

(4) Standards relating to access to Department bases.

(5) Standards for identity management within the Department, including such standards for identity cards and biometric identification systems.

(6) Procedures for validating and approving individuals with regular or episodic access to military installations, including military personnel, civilian employees, contractors, family members of personnel, and other types of visitors.

(7) Procedures for sharing with appropriate Department of Defense officials—

(A) information from the intelligence or law enforcement community regarding possible contacts with terrorists or terrorist groups, criminal organizations, or other state and non-state foreign entities actively working to undermine the security interests of the United States; and

(B) personnel records or other derogatory information regarding potentially suspicious activities.

(8) Any legislative changes recommended for implementing the recommendations contained in the review.

(b) Final Report Required.—Not later than June 1, 2011, the Secretary of Defense shall submit an interim report on the comprehensive review required under subsection (a).

(c) Final Report.—Not later than June 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the comprehensive review required under subsection (a). The final report shall include such findings and recommendations as the Secretary determines appropriate to implement, including recommended actions to be taken to implement the specific recommendations in the final report. The final report shall be submitted in classified format, but may include a classified annex.

SEC. 1037. FORT HOOD FOLLOW-ON REVIEW IMPLEMENTATION FUND.

(a) Establishment of Fund.—Of the amounts authorized to be appropriated under section 301(5), the Secretary of Defense shall deposit $100,000,000 into a fund to be known as the "Fort Hood Follow-on Review Implementation Fund". Amounts deposited in the Fund shall be available to the Secretary to address the recommendations contained in the review known as the "Fort Hood Follow-on Review".

(b) Transfer Authority.—

(1) Transfers Authorized.—Amounts in the Fort Hood Follow-on Review Implementation Fund may be transferred to any of the following accounts and funds of the Department of Defense for the purpose of addressing any of the recommendations contained in the Fort Hood Follow-on Review:

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(F) Defense working capital funds.

(F) Defense Health Program accounts.

(2) Additional Transfer Authority.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(c) Transfers Back to the Fund.—Upon the Secretary’s determination that all or part of the funds transferred from the Fort Hood Follow-on Review Implementation Fund under paragraph (1) are not necessary for the purpose for which such funds were transferred, such funds may be transferred back to the Fund.

(d) Prior Notice to Congressional Committees.—

(1) Obligations.—No amount may be obligated from the Fort Hood Follow-on Review Implementation Fund until 30 days after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed obligation.

(2) Transfers.—No amount may be transferred under paragraph (1) after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed transfer.

(e) Final Report.—Not later than 15 days after the date on which the Secretary of Defense notifies the congressional defense committees of a transfer under paragraph (1) shall be deemed to increase the amount authorized to be appropriated for such account for fiscal year 2011 by an amount equal to the amount so transferred.

(f) Quarterly Obligation and Expenditure Reports.—Not later than 15 days after the end of each fiscal quarter during fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the quarterly obligation and expenditure of funds from the Fort Hood Follow-on Review Implementation Fund. Such reports shall include explanations of the monthly commitments, obligations, and expenditures of such Fund, expressed by line of action, for the fiscal quarter covered by the report.

SEC. 1038. INSPECTOR GENERAL INVESTIGATION OF THE CONDUCT AND PRACTICES OF LAWYERS REPRESENTING INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) In General.—The Inspector General of the Department of Defense shall conduct an investigation of the conduct and practices of lawyers described in subsection (c). In conducting such investigation, the Inspector General shall—

(1) identify any conduct or practice of such a lawyer that has—
(A) interfered with the operations of the Department of Defense at Naval Station, Guantanamo Bay, Cuba, relating to individuals described in subsection (d); (B) engaged in any applicable policy of the Department; (C) violated any law within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense; or (D) generated any material risk to a member of the Armed Forces of the United States.

(2) identify any actions taken by the Department to address any conduct or practices concerning the operations of the Department relating to such individuals.

(b) LIMITATION.—The Inspector General of the Department of Defense shall initiate the investigation—

(1) at the request of the Armed Services Committee of the Senate; or

(2) upon the commencement of an investigation described in subsection (a) 30 days or later after the date of the enactment of this Act; unless—

(1) the Secretary of Defense and the Attorney General determine that the investigation described in subsection (a) cannot be performed without interfering with, or otherwise compromising, any related criminal investigation, prosecution, or proceeding; and

(2) the Secretary of Defense and the Attorney General submit such determination to Congress.

(c) INDIVIDUALS DESCRIBED.—An individual described in subsection (b) is—

(1) who represent individuals described in subsection (a) 30 days or later after the date of the enactment of this Act, or any subcommittee to which such report is directed by the congressional defense committees, the Secretary of a military department shall provide to

(1) submit such determination to the Committees on Armed Services of the Congress, the Information Committee, the Oversight and Investigations Committee, and the National Security Committee, and the Armed Services Committee of the Senate; (2) identify any actions taken by the Department to address any conduct or practices concerning the operations of the Department relating to such individuals; and

(3) determine whether any such conduct or practices have engaged in conduct or practices concerning the operations of the Department relating to such individuals.

(2) LIMITATION.—The Inspector General of the Department of Defense submits to the congressional defense committees a report containing the findings and recommendations from the study required by subsection (a) within 90 days after the date of enactment of this Act.

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

(1) A list of facilities in the Northeastern United States that, as of the date of the enactment of this Act, the Secretary of Defense has designated as an area of investigation because of the presence of hazardous materials or a history of hazardous material incidents at such facilities.

(2) The extent to which such facilities have sufficient capacity and expertise to accommodate and fully utilize a permanent joint training experimentation network.

(3) A list of potential locations for the regional center discussed in the report.

(4) Considerations with respect to locating the regional center.

(c) CONSIDERATIONS WITH RESPECT TO LOCATION.—In determining potential locations for the regional center of excellence to be established pursuant to the report required by subsection (a), the Secretary of Defense shall take into consideration the Secretary of Defense facilities that have

(1) a workforce of skilled personnel;

(2) live, virtual, and constructive training capabilities, and the ability to digitally connect them and the associated battle command structure at the tactical and operational levels;

(3) an extensive deployment history in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) a location in the Northeastern United States; and

(5) existing and permanent joint training and experimentation network node;

(6) the capacity or potential capacity to accommodate a target training audience of up to 4000 additional personnel; and

(7) the capability to accommodate the training of current and future Army and Air Force national security; or

(c) part of an ongoing criminal investigation; or

(2) the Inspector General of the Department of Defense.

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba; and

(c) A VAILABILITY OF REPORTS.—During a briefing provided under subsection (a), two copies of the privileged version of the aerospace-related mishap investigation report that is the subject of the briefing shall be made available for review by each of the individuals who attend the briefing pursuant to subsection (b). Each copy of the report shall be returned to the Department of Defense at the conclusion of the briefing.

(d) DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP REPORTING REQUIREMENT.—The Secretary of a military department shall submit to the congressional defense committees a report containing the findings and recommendations of the Department of Defense at Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

(e) REPORT.—Not later than 90 days after the date of the completion of an investigation under subsection (a), the Inspector General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the results of such investigation.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing

(1) the public disclosure of information that is—

(A) specifically prohibited from disclosure by any provision of law; or

(B) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security; or

(C) part of an ongoing criminal investigation; or

(2) the Inspector General of the Department of Defense.

Submit to the Committees on Armed Services of the House of Representatives a report containing the findings and recommendations concerning the aerospace-related mishap investigation report.

Subtitle E—Studies and Reports

SEC. 1041. DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP SAFETY INVESTIGATION REPORTS.

(a) PROVISION OF BRIEFINGS.—Not later than 30 days after the date of the submittal of a written request by the chairman and ranking member of any of the congressional defense committees, the Secretary of a military department shall provide to that committee a briefing on the privileged findings, conclusions, and recommendations contained in a specific Department of Defense aerospace-related mishap safety investigation report.

(b) BRIEFING ATTENDANCE.—A briefing provided under subsection (a) may be attended only by the following individuals:

(1) the chairman of the congressional defense committee for which the Department has been requested to provide such briefing;

(2) the ranking member of that committee;

(3) the chairmen and ranking members of any subcommittees of that committee that the committee determines to be interested in aerospace-related mishap safety investigation reports;

(4) not more than four professional staff members designated by the chairmen and ranking members of the committee;

(5) availability of reports.—During a briefing provided under subsection (a), two copies of the privileged version of the aerospace-related mishap investigation report that is the subject of the briefing shall be made available for review by each of the individuals who attend the briefing pursuant to subsection (b). Each copy of the report shall be returned to the Department of Defense at the conclusion of the briefing.

(d) DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP REPORTING REQUIREMENT.—The chairperson who is appointed by the Secretary of a military department for the purpose of conducting an aerospace-related mishap safety investigation report is an individual who is located, or who has been located at any location on or after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

(e) REPORT.—Not later than 90 days after the date of the completion of an investigation under subsection (a), the Inspector General shall submit to the Committees on Armed Services of the House of Representatives a report containing the findings and recommendations of the Department of Defense at Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing

(1) the public disclosure of information that is—

(A) specifically prohibited from disclosure by any provision of law; or

(B) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security; or

(C) part of an ongoing criminal investigation; or

(2) the Inspector General of the Department of Defense.

Subtitle E—Studies and Reports

SEC. 1041. DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP SAFETY INVESTIGATION REPORTS.

(a) PROVISION OF BRIEFINGS.—Not later than 30 days after the date of the submittal of a written request by the chairman and ranking member of any of the congressional defense committees, the Secretary of a military department shall provide to that committee a briefing on the privileged findings, conclusions, and recommendations contained in a specific Department of Defense aerospace-related mishap safety investigation report.

(b) BRIEFING ATTENDANCE.—A briefing provided under subsection (a) may be attended only by the following individuals:

(1) the chairman of the congressional defense committee for which the Department has been requested to provide such briefing;

(2) the ranking member of that committee;

(3) the chairmen and ranking members of any subcommittees of that committee that the committee determines to be interested in aerospace-related mishap safety investigation reports;

(4) not more than four professional staff members designated by the chairmen and ranking members of the committee;

(5) availability of reports.—During a briefing provided under subsection (a), two copies of the privileged version of the aerospace-related mishap investigation report that is the subject of the briefing shall be made available for review by each of the individuals who attend the briefing pursuant to subsection (b). Each copy of the report shall be returned to the Department of Defense at the conclusion of the briefing.

(d) DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP REPORTING REQUIREMENT.—The chairperson who is appointed by the Secretary of a military department for the purpose of conducting an aerospace-related mishap safety investigation report is an individual who is located, or who has been located at any location on or after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(b) OTHERWISE UNDER DETENTION AT THE UNITED STATES NAVAL STATION, GUANTAMANO BAY, CUBA.

(e) REPORT.—Not later than 90 days after the date of the completion of an investigation under subsection (a), the Inspector General shall submit to the Committees on Armed Services of the House of Representatives a report containing the findings and recommendations of the Department of Defense at Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing

(1) the public disclosure of information that is—

(A) specifically prohibited from disclosure by any provision of law; or

(B) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security; or

(C) part of an ongoing criminal investigation; or

(2) the Inspector General of the Department of Defense.
(b) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall examine the potential costs and benefits of each of the following:

(1) any service life extension program costs to sustain the legacy fighter fleet to meet inventory requirements with an emphasis on the service life extension program compared to other options such as procurement of 4.5 generation fighters.

(2) the Nuclear Structural Augmentation Roadmap of F-16s, with emphasis on the cost-benefit analysis and the effect of such efforts on the service life of the airframes.

(3) any additional programs designed to extend the nuclear capability of the沈阳 and freedom of action of the nuclear triad.

(4) any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

(c) PROHIBITION.—No fighter aircraft may be retired from the Air Force or the Air National Guard inventory in fiscal year 2011 until 180 days after the submittal by the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the report required under subsection (a).

801. REPORT ON NUCLEAR TRIAD.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall submit to the congressional defense committees a report on the nuclear triad.

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

(1) an assessment of the modernization and sustainment plans for each component of the nuclear triad over the 20-year period beginning in the next fiscal year.

(2) the funding required for each platform of the nuclear triad with respect to operations and maintenance, modernization, and replacement.

(3) any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

(c) NUCLEAR TRIAD DEFINED.—In this section, the term "nuclear triad" means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.

SEC. 1046. CYBERSECURITY STUDY AND REPORT.

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

(1) cybersecurity is one of the most serious national security challenges facing the United States;

(2) it is critical that the Department of Defense develop technological solutions that ensure the freedom of action of the Department while operating in the cyber domain.

(b) STUDY.—The Secretary of Defense shall conduct a study assessing—

(1) the current use of, and potential applications of, modeling and simulation tools to identify likely cybersecurity methodologies and vulnerabilities within the Department of Defense.

(2) the application of modeling and simulation techniques to develop strategies and programs to deter hostile or malicious activity intended to compromise Department of Defense information systems.

(c) REPORT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (b), including recommendations on possible options for increasing the use of simulation tools to further strengthen the cybersecurity environment of the Department of Defense.

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

Subtitle F—Other Matters

SEC. 1051. NATIONAL DEFENSE PANEL.

Subsection (f) of section 1188 of title 10, United States Code, is amended to read as follows:

(f) Establishment.—Not later than February 1 of a year in which a quadrennial defense review is conducted under this section, there shall be established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ‘‘Panel’’). The Panel shall have the duties set forth in this subsection.

(ii) MEMBERSHIP.—The Panel shall be composed of ten members who are recognized experts in national security policy and national security of the United States. Eight of the members shall be appointed as follows:

(a) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(b) Two by the chairman of the Committee on Armed Services of the Senate.

(c) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(d) Two by the ranking member of the Committee on Armed Services of the Senate.

(2) CO-CHAIRS OF THE PANEL.—In addition to the members appointed under paragraph (2), the Secretaries of Defense shall appoint two members, one from each of the major political parties, to serve as co-chairs of the panel.

(3) PERIOD OF APPOINTMENT, VACANCIES.— Members shall serve for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(4) DUTIES.—The Panel shall have the following duties with respect to a quadrennial defense review:

(a) Not later than March 1 of a year in which the Panel convenes, the Panel shall submit to the Secretary of Defense a report that sets the parameters and provide guidance to the Secretary on the conduct of the review. The report under this subparagraph shall, at a minimum, include such guidance as is necessary to ensure that the review is conducted in a manner that provides for adequately addressing national security challenges facing the United States.

(b) While the review is being conducted, the Panel shall review the updates from the Secretary of Defense required under paragraph (4) on the conduct of the review.

(c) The Panel shall—

(i) review the Secretary of Defense's terms of reference and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the quadrennial defense review;

(ii) conduct an assessment of the assumptions, actions, and goals of the report on the quadrennial defense review required in subsection (d), with particular attention paid to the risks described in that report;

(iii) conduct an assessment of a variety of possible force structures of the armed forces, including the force structure identified in the report on the quadrennial defense review required in subsection (d);

(iv) review the resource requirements identified pursuant to subsection (b) and, to the extent practicable, provide a general comparison to the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C); and

(v) provide to the Secretary of Defense, through the report under paragraph (7), any recommendations it considers appropriate for their consideration.

(3) TERMINATION.—The Panel for a quadrennial defense review shall terminate 45 days after the Secretary of Defense submits its final report on the quadrennial defense review under paragraph (7).

SEC. 1052. QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a critical strategic document and should be based upon a process unconstrained by budgetary influences so that such influences do not determine or limit its outcome.

(b) RELATIONSHIP OF QUADRENNIAL DEFENSE REVIEW TO DEFENSE BUDGET.—Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

(4) (A) Not later than March 1 of a year in which the quadrennial defense review is conducted under this section, the President shall submit to Congress the budget for the fiscal year following the quadrennial defense review.

(5) DUTIES.—The Panel shall have the following duties with respect to that quadrennial defense review:

(b) by striking "law enforcement and firefighting" and inserting "local law enforcement, firefighting, homeland security, and emergency management"; and

(b) by striking "law enforcement and firefighting activities" and inserting "carrying out law enforcement, firefighting, homeland security, and emergency management activities"; and

(b) by striking "law enforcement or firefighting" both places it appears and inserting "law enforcement, firefighting, homeland security, or emergency management"; and

(b) by striking "law enforcement or firefighting" both places it appears and inserting "personal protective equipment and, other appropriate equipment".

(c) CLERICAL AMENDMENTS.—

(1) HEADINGS.—The heading of section 118 of title 10, United States Code, is amended to read as follows:

"Section 118 of title 10, United States Code, is further amended by striking "personal protective equipment" and inserting "personal protective equipment and, other appropriate equipment.""

SEC. 1053. SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL HOME-LAND SECURITY AND EMERGENCY MANAGEMENT AGENCIES.

(a) STATE AND LOCAL AGENCIES TO WHICH SALES MAY BE MADE.—Section 2576 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "local law enforcement and firefighting" and inserting "local law enforcement, firefighting, homeland security, and emergency management"; and

(b) by striking "law enforcement and firefighting activities" and inserting "carrying out law enforcement, firefighting, homeland security, and emergency management activities"; and

(b) by striking "law enforcement or firefighting" both places it appears and inserting "law enforcement, firefighting, homeland security, or emergency management"; and

(b) by striking "law enforcement or firefighting" both places it appears and inserting "personal protective equipment and, other appropriate equipment".

(c) CLERICAL AMENDMENTS.—

(1) HEADINGS.—The heading of section 118 of title 10, United States Code, is amended to read as follows:

"Section 118 of title 10, United States Code, is further amended by striking "personal protective equipment" and inserting "personal protective equipment and, other appropriate equipment.""
``2576. Surplus military equipment: sale to State and local law enforcement, fire-fighting, homeland security, and emergency management agencies.

SEC. 1054. DEPARTMENT OF DEFENSE RAPID INNOVATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Defense shall establish a program to accelerate the fielding of innovative technologies developed using Department of Defense research funding and the commercialization of such technologies. Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the program, including—

(1) criteria for an application for funding by a military department, defense agency, or the unified combatant command for special operations or combatant command forces;

(2) the purposes for which such a department, agency, or command may apply for funds and appropriate requirements for technology development or commercialization to be supported using program funds;

(3) the priorities, if any, to be provided to field or commercialize technologies developed by certain agencies of the Department of Defense research funding; and

(4) criteria for evaluation of an application for funding by a department, agency, or command.

(b) APPLICATIONS FOR FUNDING.—

(1) IN GENERAL.—Under the program, the Secretary shall, not less often than annually, solicit from the military departments, the defense agencies, and the unified combatant command for special operations forces applications for funding to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 845 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2566), as subsection (e); and

(2) in such subsection, by striking "Gum Executive Council" and inserting "Gum Oversight Council".

(c) FUNDING.—Subject to the availability of funds, the Secretary shall establish a program to accelerate the fielding and the commercialization of such technologies.

(d) TRANSFER AUTHORITY.—The Secretary may transfer funds available for the program to accomplish the purposes for which the program is authorized under this section (a) to the Assistant Secretary of Defense for Research and Engineering.

(e) DELEGATION OF MANAGEMENT AUTHORITY.—The Secretary may delegate the management and operation of the program established under subsection (a) to the Assistant Secretary of Defense for Research and Engineering.

(f) REPORT.—Not later than 60 days after the last day of a fiscal year during which the Secretary establishes or operates a program under this section, the Secretary shall submit a report to the congressional defense committees providing a detailed description of the operation of the program under this section.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2015. Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (d) during the 180-day period ending on the date of the termination of the program.

SEC. 1055. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 39 UNITED STATES CODE.—Subsection (l)(2)(B) of section 8344 of title 5, United States Code, as added by section 112(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2566), is amended by striking "5201 et seq." and inserting "5211 et seq."

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 127d(d)(1) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(2) Section 122 is amended—

(A) by redesignating subsection (d), as added by section 355(a) of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–84; 123 Stat. 2699), as subsection (e); and

(B) in such subsection, by striking "Gum Executive Council" and inserting "Gum Oversight Council".

(3) Section 382(d) is amended by striking "section 175 or 2332c" in subsections (a), (b)(2)(C), and (d)(2)(A)(iv) and inserting "section 175, 229, or 2332a".

(4) The heading of such section is amended by striking "chemical or biological" and inserting "chemical or biological weapons".

(C) The table of sections at the beginning of chapter 18 is amended by striking the item relating to section 382 and inserting the following new item:

"382. Emergency situations involving weapons of mass destruction.".

(5) Section 171d(d)(3) is amended by striking "title 10" and inserting "title 10, section 1833".

(6) Section 174(a)(4) is amended by striking "March 1, 2008, and each year thereafter" and inserting "March 1 each year".

(7) Section 176(a)(1) is amended by striking "180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter" and inserting "April 29 each year".

(8) Section 176(a)(2) is amended by striking "Training Program" both places it appears and inserting "Training Corps program".

(9) The table of sections at the beginning of subchapter 1 of chapter 134, as amended by section 3101(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2697; 10 U.S.C. 2371 note) with appropriate entries for the fielding or commercialization of technologies.

(10) The table of sections at the beginning of subchapter 2 of chapter 134, as added by section 1276(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2697; 10 U.S.C. 2371 note) with appropriate entries for the fielding or commercialization of technologies.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2015. Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (d) during the 180-day period ending on the date of the termination of the program.

SEC. 1056. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 39 UNITED STATES CODE.—Subsection (l)(2)(B) of section 8344 of title 5, United States Code, as added by section 112(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2566), is amended by striking "5201 et seq." and inserting "5211 et seq."

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 355(d)(4) (123 Stat. 2544) is amended by striking "section 236" and inserting "section 235".

(2) Section 581(a)(1)(C) (123 Stat. 2326) is amended by striking "section (j)" and inserting "subsection (j)".

(3) Section 584(a) (123 Stat. 2330) is amended by striking "such Act" and inserting "the Uniformed and Overseas Citizens Absentee Voting Act".

(4) Section 585(b)(4) (123 Stat. 2331) is amended by striking subparagraphs (A) and (B), and inserting the following new subparagraph:

"(A) in paragraph (2), by striking 'section 102(4)' and inserting 'section 102(a)(4)'; and

(B) by striking paragraph (4) and inserting the following new paragraph:

"(4) prescribe a suggested design for absentee ballot mailing envelopes; and

(5) Section 589 (123 Stat. 2334; 42 U.S.C. 1973ff–7) is amended by

(A) in subsection (a)(l), by striking "section 107(a)" and inserting "section 107(l)";

(B) by striking "1973ff et seq." and inserting "1973ff–6.1 et seq."; and

(C) in subsection (c)(1), by striking "section 107(a)" and inserting "section 107(l)".

(6) The designated section immediately following section 603 (123 Stat. 2350) is designated as section 604.

(7) Section 714(c) (123 Stat. 2382; 10 U.S.C. 1071 note) is amended—

(A) by striking "feasability" both places it appears and inserting "feasibility"; and

(B) by striking "specialties" both places it appears and inserting "specialties".

(8) Section 813(a)(3) is amended by inserting "order" after "task" in the matter proposed to be struck.

(9) Section 921(b)(2) (123 Stat. 2342) is amended by inserting "subchapter I of" before "chapter III".

(10) Section 1014(c) (123 Stat. 2442) is amended by striking "in which the support" and inserting "in which support".

(11) Section 1042(d) (123 Stat. 2457; 10 U.S.C. 2353 note) is amended by striking "et seq." and inserting "et seg.".

(12) Section 1055(f) (123 Stat. 2462) is amended by striking "Combating" and inserting "Combating, the Support of".

(13) Section 1063(d)(2) (123 Stat. 2470) is amended by striking "For purposes of this section the" and inserting "For purposes of this section the".

(14) Section 1090(b) (123 Stat. 2479; 10 U.S.C. 801 note) is amended—

(A) by striking "title 14" and inserting "title 14X";

(B) by striking "title 10" and inserting "title 10X"; and


(15) Section 111(b) (123 Stat. 2495; 10 U.S.C. 1580 note prec.) is amended by striking "the Secretary" in the first sentence and inserting "the Secretary of Defense".

Section 1112 (123 Stat. 2505) is amended—
(A) in subsection (a)—
(1) by striking “Section 9902(a)” and inserting “Section 9902(g);” and
(2) by striking “as redesignated by section 1113(b)(1)(B),” after “Code,”; and
(B) in subsection (b), by striking “section 9902(b),” as added by section 9902(g);”.
(2) Section 1261 (123 Stat. 2553; 22 U.S.C. 6201 note) is amended by inserting a space between the first short title and “or”.
(3) Section 1306 (123 Stat. 2560) is amended by striking “fiscal year” and inserting “Fiscal Year”.
(4) Section 1308 (123 Stat. 2560) is amended by striking “in fiscal year 2010”.
(5) Section 1309 (123 Stat. 2560) is amended by striking “2010”.
(6) Section 1310 (123 Stat. 2560) is amended by striking “fiscal year 2010”.
(7) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.
(8) In October 2009, the United States announced plans to reduce its number of operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by December 31, 2012. Further reductions will further reduce its stockpile of deployed strategic nuclear warheads to 1,550 during the next seven years.
(9) The United States plans to further reduce its deployed ballistic missiles and heavy bombers to 700 and its deployed and non-deployed launchers and heavy bombers to 800 during the next seven years.
(10) Beyond these plans for reductions, the Nuclear Posture Review of April 2010 stated that, “The President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels. Several factors will influence the magnitude and pace of such reductions.”.
(11) Section 1316 (123 Stat. 2560) is amended by striking “in fiscal year 2010”.
(12) The number of non-strategic nuclear weapons of the United States should be supported by a comprehensive strategy to ensure that the United States provides a sufficient means of protection against unforeseen technical challenges and geopolitical events; and
(13) such reduction is compensated by other measures (such as nuclear modernization, conventional forces, and missile defense) that together provide a commensurate or better deterrence capability and level of credibility as before such reduction.
(14) Such strategic environment threat, and policy and the technical and operational implications of such reductions; and
(15) such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting.
(16) The remainder of the 2010 United States fiscal year defense budget (as reported by the Committee on Armed Services of the House of Representatives on the defense budget for 2010) is hereby changed to include a new START level for non-strategic nuclear weapons.
(17) The United States plans to further reduce its deployed ballistic missiles and heavy bombers to 700 and its deployed and non-deployed launchers and heavy bombers to 800 during the next seven years.
(18) Beyond these plans for reductions, the Nuclear Posture Review of April 2010 stated that, “The President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels. Several factors will influence the magnitude and pace of such reductions.”.
(19) The President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels. Several factors will influence the magnitude and pace of such reductions.
(20) Such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting.
(21) The remainder of the United States fiscal year 2010 defense budget (as reported by the Committee on Armed Services of the House of Representatives on the defense budget for 2010) is hereby changed to include a new START level for non-strategic nuclear weapons.
(22) Such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting.
(23) Such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting.
(24) The United States plans to further reduce its deployed ballistic missiles and heavy bombers to 700 and its deployed and non-deployed launchers and heavy bombers to 800 during the next seven years.
(25) Beyond these plans for reductions, the Nuclear Posture Review of April 2010 stated that, “The President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels. Several factors will influence the magnitude and pace of such reductions.”.
(26) Such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting.
(27) Such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting.
(28) Such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting.
the remaining nuclear forces of the United States; and

(2) a period of 180 days has elapsed after the date on which the report under paragraph (1) is submitted.

(d) DEFINITION.—In this section, the term ‘‘nuclear forces of the United States’’ includes—

(1) both active and inactive nuclear warheads in the nuclear weapons stockpile; and

(2) deployed and non-delivered delivery vehicles.

SEC. 1059. SENSE OF CONGRESS ON THE NUCLEAR POSTURE REVIEW.

It is the sense of Congress that the Nuclear Posture Review, as directed in April 2010 by the Secretary of Defense, weakens the national security of the United States by eliminating options to defend against a catastrophic nuclear, biological, chemical, or conventional attack against the United States.

SEC. 1060. STRATEGIC ASSESSMENT OF STRATEGIC CHALLENGES POSED BY POTENTIAL COMPETITORS.

The Secretary of Defense shall, in consultation with the Joint Chiefs of Staff and the commanders of the regional combatant commands, submit to the appropriate congressional defense committees, not later than March 15, 2011, a comprehensive strategic assessment of the current and future strategic challenges posed to the United States by potential competitors out through 2021, with particular attention paid to those challenges posed by the military modernization of the People’s Republic of China, Iran, North Korea, and Russia.

SEC. 1061. ELECTRONIC ACCESS TO CERTAIN CLASSIFIED INFORMATION.

The Secretary of Defense shall provide to each committee of Congress an electronic communications link to classified information in the possession of the Department of Defense pertaining to a subject matter that is in the jurisdiction of such committee under the Rules of the House of Representatives or the Standing Rules of the Senate. Such electronic communications link shall be capable of supporting appropriate classified communications between the Department of Defense and each committee of Congress authorized to carry out such communications.

SEC. 1062. JUSTICE FOR VICTIMS OF TERRORISM AND TERRORISM.

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

(1) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) expressed the sense of Congress (in section 1003(d)(4)) that the Secretary of State ‘‘should work with the Government of Iraq on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime against individuals who were United States nationals or members of the United States Armed Forces at the time of those terrorist acts and whose claims cannot be addressed in courts in the United States due to the exercise of the waiver authority’’ provided to the President under section 1003(d) of that Act.

(2) The House of Representatives in the 110th Congress, and the Senate, adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of the claims described in paragraph (1).

(b) POLICY.—The Secretary of Defense shall ensure that all sources of the Department of Defense are used only for activities that—

(1) fulfill a legitimate Government purpose;

(2) comply with all applicable laws, regulations, and policies of the Department of Defense; and

(3) contribute to the mission of the Department of Defense.

(c) GUIDANCE.—The Secretary shall prescribe such guidance as is necessary to ensure compliance with the policy required under subsection (a) and to address any violations of the policy, including, as appropriate, any applicable legal remedies.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after section 113a the following new section:

§113b. Use of Department of Defense resources.

(a) POLICY.—The Secretary of Defense shall ensure that all resources of the Department of Defense are used only for activities that—

(1) fulfill a legitimate Government purpose;

(2) comply with all applicable laws, regulations, and policies of the Department of Defense; and

(3) contribute to the mission of the Department of Defense.

(b) GUIDANCE.—The Secretary shall prescribe such guidance as is necessary to ensure compliance with the policy required under subsection (a) and to address any violations of the policy, including, as appropriate, any applicable legal remedies.

SEC. 1063. POLICY REGARDING APPROPRIATE USE OF DEPARTMENT OF DEFENSE RESOURCES.

SEC. 1064. EXECUTIVE AGENT FOR PREVENTING THE INTRODUCTION OF COUNTERFEIT MICROELECTRONICS INTO THE DEFENSE SUPPLY CHAIN.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to serve as the executive agent for preventing the introduction of counterfeit microelectronics into the defense supply chain.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the executive agent shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include the following:

(A) Development and maintenance of a strategy and implementation plan that ensures that the Department of Defense has the ability to identify, mitigate, prevent, and eliminate counterfeit microelectronics from the defense supply chain; and

(B) Development of recommendations for funding strategies necessary to meet the requirements of the strategy and implementation plan developed under subparagraph (A).

(c) ASSESSMENTS OF TRENDS IN COUNTERFEIT MICROELECTRONICS.

(i) an analysis of recent incidents of discovery of counterfeit microelectronics in the defense supply chain, including incidents involving material and service providers;

(ii) a projection of future trends in counterfeit microelectronics;

(iii) the sufficiency of reporting mechanisms and metrics within the Department of Defense and each component of the Department of Defense;

(iv) the economic impact of identifying and remediating counterfeit microelectronics in the defense supply chain; and

(v) the impact of counterfeit microelectronics in the defense supply chain on defense readiness.

(D) Coordination of planning and activities with interagency and international partners.

(E) Development and participation in public-private partnerships to prevent the introduction of counterfeit microelectronics into the supply chain.

(F) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each component of the Department of Defense provides the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) REQUIRED ACTIONS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) not later than 180 days after the date of the enactment of this Act, a description of the roles, responsibilities, and authorities of the executive agent prescribed in accordance with subsection (b)(1);

(2) not later than one year after the date of the enactment of this Act, a strategy for how the Department of Defense will identify, mitigate, prevent, and eliminate counterfeit microelectronics within the defense supply chain; and

(3) not later than 18 months after the date of the enactment of this Act, an implementation plan for how the Department of Defense will execute the strategy submitted in accordance with paragraph (2).

(2) DEFINITIONS.—In this section:

(C) Counterfeit microelectronics.—The term ‘‘counterfeit microelectronics’’ means any type of integrated circuit or other microelectronic component that consists of—

(A) a substitute or unauthorized copy of a valid product from an original manufacturer;

(B) a product in which the materials used or the performance of the product has been changed without notice by a person other than the original manufacturer of the product; or

(C) a substandard component misrepresented by the supplier of such component.

(2) EXECUTIVE AGENT.—The term ‘‘executive agent’’ has the meaning given the term ‘‘DoD Executive Agent’’ in Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.
TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO APPROVE AN ALTERNATE METHOD OF PROCESSING EQUAL OPPORTUNITY COMPLAINTS WITHIN ONE OR MORE COMPONENT ORGANIZATIONS UNDER SPECIFIED CIRCUMSTANCES.

(a) AUTHORITY.—The Secretary of Defense may implement within one or more of the component organizations of the Department of Defense an alternate program for processing equal employment opportunity complaints.

(1) Complaints processed under the alternate program shall be subject to the procedural requirements established for the alternate program and shall not be subject to the procedural requirements of part 1614 of title 29 of the Code of Federal Regulations for other regulatory, directive, or regulatory restrictions prescribed by the Equal Employment Opportunity Commission.

(2) The alternate program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may carry out the alternate program during a 5-year period beginning on the date of the enactment of this Act. Not later than 180 days before the expiration of such period, the Secretary shall submit to the Committees of the House of Representatives and the Senate, a recommendation regarding whether the program should be extended for an additional period.

(b) Participation in the alternate program shall be voluntary on the part of the complainant. Complainants who participate in the alternate program shall retain the right to appeal a final decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission.

(b) Subparagraph (A) shall apply to all cases files with the Commission after the date of enactment of this Act.

(c) The Secretary shall consult with the Equal Employment Commission in the development of the alternate program.

(b) EVALUATION PLAN.—The Secretary of Defense shall develop an evaluation plan to accurately and fairly assess the results of the alternate program implemented under subsection (a), identifying the key features of the program, including:

(1) well-defined, clear, and measurable objectives;

(2) measures that are directly linked to the program objectives;

(3) criteria for determining the program performance;

(4) a way to isolate the effects of the alternate program;

(5) a data analysis plan for the evaluation design;

(6) a detailed plan to ensure that data collection, entry, and storage are reliable and error-free.

(c) REPORTS.—The Comptroller General shall submit to the Speaker of the House of Representatives and the Chairman of the Senate, two reports on the alternate program.

(1) CONTENTS OF REPORTS.—Each report shall contain the following:

(A) A description of the processes tested by the alternate program;

(B) The results of the testing of such processes;

(C) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of the alternate program.

(D) A comparison of the processes used, and results obtained, under the alternate program to traditional and alternative dispute resolution processes used in the Government or private industry.

(2) DATES OF SUBMISSION.—The first of such reports shall be submitted at the end of the 2-year period beginning on the date of the enactment of this Act. The second of such reports shall be submitted at the end of the 4-year period beginning on the date of the enactment of this Act.

SEC. 1102. CLARIFICATION OF AUTHORITIES AT PERSONNEL DEMONSTRATION LABORATORIES.


(1) in subsection (b), by striking “identified” and all that follows and inserting “designated by section 1108(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.”; and

(2) in subsection (c), by striking “2 percent” and inserting “4 percent”.

(b) CLARIFICATION OF IMPLEMENTATION REQUIREMENT.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as Department of Defense science and technology reinvention laboratories is amended—

(1) in subsection (a), by striking “that are exempted by” and all that follows and inserting “designated by section 1108(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.”;

(2) in subsection (c), by striking “as enumerated in” and all that follows and inserting “designated by section 1108(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.”; and

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 28, 2009.

SEC. 1103. SPECIAL RULE RELATING TO CERTAIN PERSONNEL DEMONSTRATION LABORATORIES.

(a) IN GENERAL.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(6) a way to isolate the effects of the alternate program implemented under subsection (a), identifying the key features of the program, including:

(1) well-defined, clear, and measurable objectives;

(2) measures that are directly linked to the program objectives;

(3) criteria for determining the program performance;

(4) a way to isolate the effects of the alternate program;

(5) a data analysis plan for the evaluation design;

(6) a detailed plan to ensure that data collection, entry, and storage are reliable and error-free.

(b) REPORTS.—The Comptroller General shall submit to the Speaker of the House of Representatives and the Chairman of the Senate, two reports on the alternate program.

(1) CONTENTS OF REPORTS.—Each report shall contain the following:

(A) A description of the processes tested by the alternate program;

(B) The results of the testing of such processes;

(C) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of the alternate program.

(D) A comparison of the processes used, and results obtained, under the alternate program to traditional and alternative dispute resolution processes used in the Government or private industry.

(2) DATES OF SUBMISSION.—The first of such reports shall be submitted at the end of the 2-year period beginning on the date of the enactment of this Act. The second of such reports shall be submitted at the end of the 4-year period beginning on the date of the enactment of this Act.

SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CI

United States Code, as added by subsection (a), including associated costs.

SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

“(2) An employee appointed under this section; and

(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 75, and

(c) GUIDELINES.—The Office of Personnel Management shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator to a case of a Department of the Navy agency who suffers an injury or disability incurred, or an illness contracted while in the performance of an employee’s duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section.

Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

(3) assisting qualified employees in connection with the receipt of prescribed medical care and coordination of benefits under chapter 81 or 89;

(4) reserving problems relating to the receipt of benefits under chapter 81 or 89; and

(5) ensuring that qualified employees are properly screened and receive appropriate treatment.
(a) For post-traumatic stress disorder or other similar disorder stemming from combat trauma; or
(b) For suicidal or homicidal thoughts or behaviors;

(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee or former employee of the Department of Defense until the maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

(3) In this paragraph—
(i) the term ‘agency’ means the Department of Defense or a military department; and
(ii) the term ‘Secretary’ means the Secretary of Defense or the Secretary of a military department.

SEC. 1108. SENSE OF CONGRESS REGARDING WAIVER OF RECOVERY OF CERTAIN PAYMENTS MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) CONGRESSIONAL FINDING.—Congress finds that employees and former employees of the Department of Defense described in subsection (c) provided service to such Department in response to the national emergency declared in the aftermath of the attacks of September 11, 2001.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) employees and former employees of the Department of Defense described in subsection (c) deserve to retain or to be repaid their voluntary separation incentive payment pursuant to section 9902 of title 5, United States Code; and
(2) recovery of the amount of the payment referred to in section 9902 of title 5, United States Code, would be against equity and good conscience and contrary to the best interests of the United States;

(c) The Secretary of Defense should waive the requirement under subsection (l)(6)(B) of section 9902 of title 5, United States Code, would be against equity and good conscience and contrary to the best interests of the United States;

(d) The Secretary of Defense should waive the requirement under subsection (l)(6)(B) of such section 9902 in the case of an employee or former employee of the Department of Defense who—
(1) during the period beginning on April 1, 2004, and ending on May 1, 2008, received a voluntary separation incentive payment under section 9902(f)(1) of title 5, United States Code; and
(2) was reassigned to a position in the Department of Defense during the period beginning on June 1, 2004, and ending on May 1, 2008; and
(3) receives a written representation from an officer or employee of the Department of Defense, before accepting the reappointment referred to in paragraph (2), that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived, and reasonably relied on that representation in accepting reappointment.

SEC. 1109. SUSPENSION OF DCIPS PAY AUTHORIZATION FEDERATED FOR A YEAR.

Section 1114(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 1601 note) is amended by striking ‘‘December 31, 2010’’ and inserting ‘‘December 31, 2011’’.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

SUBTITLE A—Assistance and Training

SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO CONGRESS.

(a) IN GENERAL.—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1964), is amended by substituting for section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2624), is amended by striking ‘‘$40,000,000’’ and inserting ‘‘$50,000,000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2010.

SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES TO ENHANCED LOGISTICS INTEROPERABILITY AUTHORITY.

(a) ENHANCED INTEROPERABILITY AUTHORITY.—Subsection (a) of section 127d of title 10, United States Code, is amended—
(1) by inserting ‘‘(1)’’ before ‘‘Subject to’’;
(2) by inserting ‘‘of the United States’’ after ‘‘armed forces’’;
(3) by striking the second sentence; and
(4) by adding at the end the following new paragraphs:

‘‘(2) In addition to any logistic support, supplies, and services provided under paragraph (1), the Secretary may provide logistic support, supplies, and services to allied forces solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in operations with the United States in order to facilitate such operations. Such logistic support, supplies, and services may also be provided under this paragraph to nonmilitary logistics, security, or similar agency of an allied government if such provision would directly benefit the armed forces of the United States.

(3) Provision of support, supplies, and services pursuant to paragraph (1) or (2) may be made only with the concurrence of the Secretary of State.

(b) CONFORMING AMENDMENTS.—Such section is further amended—
(1) in subsection (b), by striking ‘‘subsection (a)’’ in paragraphs (1) and (2) and inserting ‘‘subsection (a)(1)’’;
(2) in subsection (c)—
(A) in paragraph (1)—
(i) by striking ‘‘Except as provided in paragraph (2), the’’ and inserting ‘‘The’’; and
(ii) by striking this section and inserting ‘‘subsection (a)(1)’’; and
(B) in paragraph (2), by striking ‘‘In addition and all that follows through fiscal year 2011’’.

(c) CONTENTS.—A notification under subsection (a) or (b) shall include a description

SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) ANNUAL FUNDING LIMITATION.—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 90) as amended by section 1206(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking ‘‘$350,000,000’’ and inserting ‘‘$500,000,000’’.

(b) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—

(1) IN GENERAL.—Subsection (c)(5) of such section is amended—
(A) by striking ‘‘and not more than’’ and inserting ‘‘not more than’’; and
(B) by inserting after ‘‘fiscal year 2011’’ the following: ‘‘; and not more than $100,000,000 may be used during fiscal year 2012’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2010, and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(c) TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN’S COUNTER-TERRORISM FORCES.—Such section is amended—

(1) by redesignating subsection (g) as subsection (h); and
(2) by inserting after subsection (f) the following:

‘‘(g) TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN’S COUNTER-TERRORISM FORCES.

‘‘(1) AUTHORITY OF SECRETARY OF STATE.—

(A) IN GENERAL.—Of the funds made available under subsection (c) for the authority of paragraph (1) for fiscal year 2011, the Secretary of Defense may transfer funds pursuant to subparagraph (A) only if, not later than July 31, 2011, the Secretary of State certifies to the Secretary of Defense and the congressional committees specified in subsection (g)(2) that the Secretary of State is able to effectively carry out the purpose of subparagraph (A).

(B) CERTIFICATION.—The Secretary of Defense may transfer funds pursuant to subparagraph (A) if the Secretary of State makes a certification under paragraph (1) and the Secretary of State shall notify the congressional committees specified in subsection (g)(2) that the Secretary of Defense and the congressional committees specified in subsection (g)(2) are aware of the Secretary of State’s certification under paragraph (1).”
of the program or programs to be conducted or supported under the authority of this subsection.

(d) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (c) of this section, as most recently amended by section 1206(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 111-173; 123 Stat. 1662), which is hereby amended by subsection (c) of this section, is further amended by—

(1) by striking “September 30, 2011” and inserting “September 30, 2012”; and

(2) by inserting “fiscal years 2006 through 2011” and inserting “fiscal years 2006 through 2012”.

SEC. 1204. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP FOR PEACE NATIONS TO PARTICIPATE IN THE EURO-NATO JOINT PILOT TRAINING PROGRAM.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Secretary of the Air Force shall establish and maintain a demonstration scholarship program to allow personnel of the air forces of countries that are signatories of the Partnership for Peace Framework Document to receive undergraduate pilot training and necessary related training under the Euro-NATO Joint Pilot Training (ENJPT) program. The Secretary shall establish and maintain a demonstration scholarship program pursuant to regulations prescribed by the Secretary of Defense in consultation with the Secretary of State.

(b) TRANSPORTATION, SUPPLIES, AND ALLOWANCE.—In addition to the amounts prescribed by the Secretary of Defense in consultation with the Secretary of Air Force, the Secretary may provide to a person receiving a scholarship under the scholarship program—

(1) transportation incident to the training received under the ENJPT program;

(2) supplies and equipment to be used during the training;

(3) flight clothing and other special clothing required for the training;

(4) billeting, food, and health services; and

(5) a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.

(c) RELATION TO EURO-NATO JOINT PILOT TRAINING PROGRAM.—

(1) ENJPT STEERING COMMITTEE AUTHORITY.—Nothing in this section shall be construed to impair or otherwise prejudice the authority of the ENJPT Steering Committee under the ENJPT Memorandum of Understanding, Pursuant to the ENJPT Memorandum of Understanding, the ENJPT Steering Committee may resolve to forbid any airman or airmen from a Partnership for Peace nation to participate in the Euro-Nato Joint Pilot Training Program under the authority of a scholarship under this section.

(2) NO REPRESENTATION.—Countries whose air force personnel receive scholarships under the scholarship program shall not have privilege of ENJPT Steering Committee representation.

(d) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of the Air Force may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(e) COST-SHARING.—For purposes of ENJPT cost-sharing, personnel conditions as the Secretary of Defense determines, as such term is defined under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(f) WAIVER.—For purposes of ENJPT cost-sharing, personnel conditions as the Secretary of Defense determines, as such term is defined under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(g) DURATION.—No scholarship may be awarded for the purpose of providing for the permanent stationing of United States Armed Forces in any country.

(h) FUNDING SOURCE.—Amounts to award scholarships under the scholarship program shall be derived from amounts authorized to be appropriated for operation and maintenance for the Air Force.

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

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended—

(1) to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq; or

(2) to exercise United States control of the oil resources of Iraq.

SEC. 1212. COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2011.—During fiscal year 2011, from funds made available to the Department of Defense for operation and maintenance for such fiscal year—

(1) not to exceed $100,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders’ Emergency Response Program for Iraq; and

(2) not to exceed $800,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders’ Emergency Response Program in Afghanistan.

(b) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal quarter of fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report regarding the Commanders’ Emergency Response Program.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The allocation and use of funds under the Commanders’ Emergency Response Program or any other provision of law making funding available for the Commanders’ Emergency Response Program during the fiscal-year quarter.

(B) The dates of obligation and expenditure of such funds during the fiscal-year quarter.

(C) A description of each project for which amounts in paragraph (1) are obligated or expended during the fiscal-year quarter.

(D) The dates of obligation and expenditure of funds under the Commanders’ Emergency Response Program or any other provision of law making funding available for the Commanders’ Emergency Response Program for each of fiscal years 2004 through 2010.

(E) MATTERS NOT INCLUDED WITH RESPECT TO COMMANDERS’ EMERGENCY RESPONSE PROGRAM IN IRAQ.—The report required under paragraph (1) shall include the following with respect to the Commanders’ Emergency Response Program in Iraq:

(A) A written statement by the Secretary of Defense, or the Deputy Secretary of Defense if the Secretary is delegated authority in accordance with subsection (d), certifying that the certification required under subsection (f) was issued for each project for which amounts in excess of $1,000,000 were obligated or expended during the fiscal-year quarter.

(B) For each project listed in subparagraph (A), the following information:

(i) a description and justification for carrying out the project;

(ii) a description of the extent of involvement by the Government of Iraq in the project, including—

(I) the amount of funds provided by the Government of Iraq for the project; and

(II) a description of the plan for the transition of such project upon completion to the people of Iraq; and

(iii) a description of the conditions under which the Government of Iraq to sustain projects requiring the support of the Government of Iraq for subsequent years.

(C) A description of the status of transitioning activities to the Government of Iraq, including—

(i) the level of funding provided and expended by the Government of Iraq in projects designed to meet urgent humanitarian relief and reconstruction requirements that immediately assist the Iraqi people; and

(ii) a description of the progress made in transitioning the responsibility for the Sons of Iraq Program to the Government of Iraq.

(c) 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 to the Armed Forces concerning the allocation of funds from the Commanders’ Emergency Response Program.

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

(d) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders’ Emergency Response Program, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) PROHIBITION ON CERTAIN PROJECTS UNDER COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(1) PROHIBITION.—As excepted in paragraph (2), funds made available under this section or any other provision of law making funding available for the Commanders’ Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds $2,000,000.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply with respect to funds managed or controlled by the Department of Defense that were otherwise provided by another department or agency of the United States Government, the Government of a foreign country, a foundation or other charitable organization (including a foundation or charitable organization that is organized, operates, or otherwise functions in the same country), or any source in the private sector of the United States or a foreign country.

(f) WAIVER.—The Secretary of Defense may waive the prohibition contained in paragraph (1) if the Secretary—

(A) determines that such a waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people; and

(B) submits in writing, within 15 days of issuing such waiver, to the congressional defense committees a notification of the waiver, together with a discussion—
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(i) the unmet and urgent needs to be addressed by the project; and
(ii) any arrangements between the Government of the United States and the Government of Iraq required in the provision of Iraqi funds for carrying out and sustaining the project.

(f) CERTIFICATION OF CERTAIN PROJECTS UNDER THE COMMANDERS EMERGENCY RESPONSE PROGRAM.—

(1) CERTIFICATION.—Funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds $1,000,000 unless the Secretary of Defense certifies that the project addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

(2) DELEGATION.—The Secretary may delegate the authority under paragraph (1) to the Deputy Secretary of Defense.


(b) UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.—

Section 1213(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390) is amended by striking “2010” and inserting “2012”.

SEC. 1212. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT TO CERTAIN COALITION PARTNERS FOR UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 111–84; 123 Stat. 2519), is further amended—

(1) in the matter preceding paragraph (1), by striking “2010” and inserting “2011”; and

(2) by adding at the end the following:

“(B) permit the transition of lead security responsibility in key districts to the Government of Afghanistan; and

(3) have renounced violence against the Government of Afghanistan;”.

(b) CERTIFICATION.—A certification described in subsection (b) is made under this paragraph if the State for review. At the request of the Secretary of State, the Secretary of Defense shall include a description of the conditions necessary for a certification under paragraph (1)(A) that would need to exist in Afghanistan for the Secretary of Defense to conclude that such indicator or measure of progress has been achieved.”.

(c) SECRETARY OF STATE COMMENTS.—Subsection (c) of such section is further amended by striking subsection (c) and inserting the following:

“(c) SECRETARY OF STATE COMMENTS.—Prior to submitting the report required under subsection (a), the Secretary of Defense shall provide a copy of the report to the Secretary of State for review. At the request of the Secretary of State, the Secretary of Defense shall include an appendix to the report which contains any comments of the Secretary of State on the information that the Secretary of State requests.”.

(d) FORM.—Subsection (d) of such section is amended by striking “whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense.”.

(e) TERMINATION.—Subsection (e) of such section is further amended by striking the end of subsection (e) and inserting—

“(f) TERMINATION.—The application of this section is terminated on September 30, 2012.”.

SEC. 1214. MODIFICATION OF REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) REPORT REQUIRED.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525; 50 U.S.C. 1541 note) is amended—

(1) in the matter preceding paragraph (1), by striking “December 31, 2009” and inserting “December 31, 2010”;

(2) by striking “90 days” and inserting “180 days”;

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (5), by striking “Multi-National Division North” and inserting “United States Forces–Iraq”;

(2) by striking “shall take place on or before July 1, 2010” and inserting “shall take place on or before July 1, 2010”;

(3) by striking “shall consist of a detailed plan for the transfer of units and elements of the United States forces that are not engaged in active combat operations which is carried out in Iraq by the Department of Defense to other United States Government departments and agencies, international or nongovernmental entities, or the Government of Iraq. The assessment should include a description of the numbers and categories of programs, projects, and activities undertaken by other entities that have taken responsibility or which have been discontinued by the Department of Defense. The assessment should also include a discussion of any difficulties or barriers to the implementation of such programs, projects, and activities and what, if any, solutions have been developed to address such difficulties or barriers.”.

(4) by striking “commit the report required under subsection (a) shall terminate on September 30, 2012.”.

(5) by striking “(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are hereby repealed:


 SEC. 1151. MODIFICATION OF REPORTS RELATING TO AFGHANISTAN.

(a) REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—


(b) CERTIFICATION.—A certification described in this subsection is a certification made by the Secretary of State, in coordination with the Administrator of United States Agency for International Development, to the appropriate congressional committees stating that it is necessary for the Department of Defense to carry out a program of reintegrating Afghanis in Afghanistan that are specified by the Secretary of State in the certification. Such certification shall include—

(1) a statement that such program is necessary to support the goals of the United States in Afghanistan; and
disrupt, dismantle, and defeat al Qaeda, the
ghanistan with the commensurate level of unit
United States to provide each United States
section (a).
(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary, with the concurrence of the Secretary of State, shall submit to the appropriate congressional 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).

(c) SUBMISSION OF GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(1) a description of United States Forces–Afghanistan requests for forces for fiscal years 2008, 2009, and 2010;

(2) a description of the current troop-to-task analysis and resource requirements;

(3) the number of United States brigade and equivalent units deployed to Afghanistan;

(4) the number of United States unit and theater-wide combat enablers deployed to Afghanistan, including at a minimum, a breakdown of—

(A) intelligence, surveillance, and reconnaissance (ISR);

(B) force protection, including force protection at each United States Forward Operating Base (FOB); and

(C) medical evacuation (MEDEVAC); and

(5) an assessment of the risk to United States, coalition, and Afghan forces based on a lack of combat enablers.

(d) COMBAT ENABLERS DEFINED.—In this section, the term ‘‘combat enablers’’ includes—

(1) Intelligence, Surveillance, and Reconnaissance (ISR);

(2) force protection, including force protection at each United States Forward Operating Base (FOB);

(3) medical evacuation (MEDEVAC); and

(4) any other combat enablers as determined by the Secretary of Defense.

Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATING COMMITTEE.—

(a) NATIONAL MILITARY STRATEGIC PLAN REQUIRED.—The Secretary of Defense shall develop a strategic plan, to be known as the ‘‘National Military Strategic Plan to Counter Iran,’’ that shall—

(1) outline the Department of Defense’s strategic plans, programs, and initiatives to stabilize and transform nations, and that the Secretary considers to be critical;

(2) develop a plan to address those gaps identified in the review required in subsection (a)(5).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report identifying and justifying any resources, capabilities, authorities, or changes to current law the Secretary believes are necessary to carry out the plan required under subsection (a) to address the gaps identified in the strategic plan required in subsection (a).

(c) MATTERS TO BE INCLUDED.—The report required under subsection (b) shall include—

(1) a description of the plans of the Department of Defense to implement Presidential Study Directive 8; and

(2) an assessment of the extent to which the plans to reform the export control system will—

(A) impact the Defense Technology Security Administration of the Department of Defense;

(B) affect the role of the Secretary of Defense with respect to export control policy; and

(C) ensure greater protection and monitoring of key defense items and technologies.

The term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Armed Services of the Senate and the Committee on Foreign Relations of the Senate;

SEC. 1232. NATIONAL MILITARY STRATEGIC PLAN TO COUNTER IRAN.—

(a) AUTHORITY TO USE FUNDS TO PROVIDE SUPPORT TO COALITION FORCES SUPPORTING MILITARY AND SECURITY OPERATIONS IN IRAQ AND AFGHANISTAN.—

(1) AUTHORITY.—Notwithstanding section 127(a) of title 16, United States Code, up to $400,000,000 shall be available to the Department of Defense by section 1509 of this Act for utilize funds under subsection (a) shall expire at the close of December 31, 2011.

SEC. 1229. REQUIREMENT TO PROVIDE UNITED STATES MILITARY SHEET AND EQUIVALENT UNITS DEPLOYED TO AFGHANISTAN WITH THE COMMENSURATE LEVEL OF UNIT AND THEATER-WIDE COMBAT ENABLERS.—

(a) STATEMENT OF POLICY.—It is the policy of the United States to provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers to—

(1) implement and augment United States strategy to disrupt, dismantle, and defeat al Qaeda, the Taliban, and their affiliated networks and eliminate their safe haven;

(2) develop a joint Afghan national counterinsurgency campaign plan; and

(3) minimize the level risk to United States, coalition, and Afghan forces; and

(4) reduce the number of military and civilian casualties.

(b) REQUIREMENT.—In order to achieve the policy expressed in subsection (a), the Secretary of Defense shall develop a plan to provide those capabilities identified in the review required in subsection (a)(5). The plan shall guide the planning and actions of the relevant combatant commands, the military departments, and combat support agencies that the Secretary of Defense determines have a role in countering threats posed by Iran.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the date on which the President submits to Congress the report required for a fiscal year under section 1215 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report identifying and justifying any resources, capabilities, authorities, or changes to current law the Secretary believes are necessary to carry out the plan required under subsection (b) to address the gaps identified in the strategic plan required in subsection (a).

(2) FORM.—The report required in paragraph (1) shall be in unclassified form, but may include a classified annex.

SEC. 1233. REPORT ON DEPARTMENT OF DEFENSE’S PLANS TO REFORM THE EXPORT CONTROL SYSTEM.—

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the Department of Defense’s plans to reform the Department’s export control system.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the plans of the Department of Defense to implement Presidential Study Directive 8; and

(2) an assessment of the extent to which the plans to reform the export control system will—

(A) impact the Defense Technology Security Administration of the Department of Defense;

(B) affect the role of the Secretary of Defense with respect to export control policy; and

(C) ensure greater protection and monitoring of key defense items and technologies.

The term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Armed Services of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1234. REPORT ON UNITED STATES FORCES TO DEFEND AGAINST THREATS POSED BY THE ADVANCED ANTICAPTURE AND RECONNAISSANCE, OR UNINTENTIALLY HOSTILE FOREIGN COUNTRIES.—

(a) CONGRESSIONAL FINDING.—Congress finds that the report of the 2010 Department of Defense Quadrennial Defense Review finds that ‘‘Anti-access strategies seek to deny outside countries the ability to project power into a region, thereby allowing aggression or other destabilizing actions to be conducted by the anti-access power. Without dominant capabilities to project power, the advantages and security partnerships could be called into question, reducing U.S. security and influence and increasing the possibility of conflict.’’. Congress finds that, in light of the finding in subsection (a), the Secretary of Defense should ensure that the United States has the appropriate authorities, capabilities, and structure to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.

(b) REPORT.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.
The finding in subsection (a).
(b) The preamble of the New START Treaty states, “Recognizing the existence of the inter-
relationship between strategic offensive arms and strategic defensive arms, that this inter-
relationship may require that the United States and Russia evolve, and appropriately test,
and quantitatively, as needed for our security and the security of other parties.”
(c) Officials of the United States have stated that the New START Treaty does not constrain
the missile defenses of the United States and according to the New START Treaty U.S. Congress-
sional Briefing Book of April, 2010, released by the Department of State and the Department of
Defense, “The United States will continue to in-
vest in improvements to both strategic and the-
ater missile defenses, both qualitatively and quantitatively, as needed for our security and the
security of other parties.”
4. FORM.—The report required under sub-
section (c) shall be submitted in unclassified
form, but may contain a classified annex if nec-

SEC. 1235. REPORT ON FORCE STRUCTURE
CHANGES IN COMPOSITION AND CA-
PABILITIES AT MILITARY INSTALLA-
TIONS IN EUROPE.
(a) REPORT REQUIRED.—Not later than one
year after the date of the enactment of this Act, the Secretary of Defense, in coordination with
the Committee on Foreign Affairs of the House of
Representatives and the Senate Committee on Foreign Relations, shall submit to Congress a report
containing an assessment of possible actions that may be taken to address the current security environ-
ment in Europe, including the nature of such capabilities, the nature of such capabilities, and the
possibilities, the nature of such capabilities, and the

(a) SPECIFICATION OF COOPERATIVE THREAT
REDUCTION PROGRAMS AND FUNDS.
(1) An assessment of any threats posed by the
foremost among which is a U.S.-led cooperative
force on August 24, 1949 (63 Stat. 2241; TIAS
4789); the Atlantic Treaty, signed at Washington, District
of Columbia on April 4, 1949, and entered into
force on August 24, 1949 (63Stat. 2241; TIAS
1964).
(2) to address the current security environ-
ment in Europe, including United States partici-
ipation in combat operation activities; and
(3) to contribute to peace and stability in Eu-
rope.
(b) MATTERS TO BE CONSIDERED.—As part of
this report, the Secretary of Defense shall con-
sider—

SEC. 1301. SPECIFICATION OF COOPERATIVE
THREAT REDUCTION PROGRAMS
AND FUNDS.
(a) SPECIFICATION OF COOPERATIVE THREAT
REDUCTION PROGRAMS.—For purposes of section
103 of the Act, Cooperative Threat Reduction programs are the programs specified in section
(b) FACIAL YEAR 2011 COOPERATIVE THREAT
REDUCTION FUNDS DEFINED.—As used in this
title, the term “fiscal year 2011 Cooperative Threat Reduction funds” means the funds ap-
propriated pursuant to the authorization of ap-
propriations in section 301 for Cooperative
Threat Reduction.
(c) AVAILABLE OF FUNDS.—Funds ap-
propriated pursuant to the authorization of ap-
propriations in section 301 for Cooperative
Threat Reduction programs shall be available in full for
SEC. 1302. FUNDING ALLOCATIONS.
(a) FUNDING FOR SPECIFIC PURPOSES.—Of the
$522,512,000 authorized to be appropriated to the
Secretary of Defense for fiscal year 2011 in section
301(20) for Cooperative Threat Reduction programs, the following amounts may be ob-
ligated for the following purposes:
(1) For strategic offensive arms elimination in
Russia, $66,732,000.
(2) For strategic nuclear arms elimination in
Ukraine, $16,000,000.
(3) For nuclear weapons storage security in
Russia, $9,614,000.
SEC. 1234. SENATE COMMITTEE ON MILITARY
DEFENSE AND NEW START TREATY
WITH RUSSIAN FEDERATION:
(a) FINDINGS.—In the following:
(1) The United States and the Russian Fed-
eration signed the Treaty between the United States of America and the Russian Federation on Measures to Reduce and Limitation of Strategic Offensive Arms (commonly
known as the “New START Treaty”) on April 8, 2010.
(2) The preamble of the New START Treaty states, “Recognizing the existence of the inter-
relationship between strategic offensive arms and strategic defensive arms, that this inter-
relationship may require that the United States and Russia evolve, and appropriately test,
and quantitatively, as needed for our security and the security of other parties.”
(c) MATTERS TO BE INCLUDED.—The report re-
duced as follows:
(a) For military forces, $3,000,000.
(b) For defense and military contacts,
$3,000,000.
(c) For Global Nuclear Lockdown, $74,471,000.
(d) For activities designated as Other Assess-
ments/Administrative Costs, $23,040,000.
(b) REPORT ON OBLIGATION OR EXPENDITURE
OF COOPERATIVE THREAT REDUCTION FUNDS.
In the case of the fiscal year 2011 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Con-
gress a report on the purpose for which the
funds will be obligated or expended and the
amount of funds to be obligated or expended.
Nothing in the preceding sentence shall be con-
strued as authorizing the obligation or expendi-
ture of fiscal year 2011 Cooperative Threat Re-
duction funds for a purpose for which the obli-
gation or expenditure of such funds is specifi-
cally prohibited under this title or any other
provision of law.
(c) LIMITED AUTHORITY TO VARY INDIVIDUAL
AMOUNTS.—
(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense
determines that it is in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2011 for a purpose listed in paragraphs (1) through (9) of section (a) in excess of the specific amount authorized for that purpose.
(2) NOTICE-AND-WAIT REQUIRED.—An obliga-
tion or expenditure of cooperative threat programs appropriated pursuant to a contract with a federally funded research and development center shall be made only after the head of the applicable agency determines that the obligation or expenditure of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after:
(A) The Secretary submits to Congress notice-
ation of the intent to do so together with a com-
plete discussion of the justification for doing so; and
(B) 15 days have elapsed following the date of
the notification.
TITLE XIV—OTHER AUTHORIZATIONS
Subtitle A—Military Programs
SEC. 1401. WORKING CAPITAL FUNDS.
Funds are hereby authorized to be appro-
priated for fiscal year 2011 for the use of the
Armed Forces and other activities and agencies of the Department of Defense for providing cap-
ital working capital and revolving funds in amounts as follows:
(1) For the Defense Working Capital Funds,
$160,965,000.
(2) For the Defense Working Capital Fund,
Defense Commissary, $1,273,571,000.
SEC. 1402. STUDY ON WORKING CAPITAL FUND
CASHE BALANCES.
(a) STUDY REQUIRED.—Not later than 30 days
after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center with appropriate expertise in revolving fund financial management to carry out a study to determine a sufficient oper-
ational level of cash that each revolving fund of
the Department of Defense should maintain in
order to sustain a single rate or price through-
out the fiscal year.
(b) CONTENTS OF STUDY.—In carrying out a study pursuant to a contract entered into under
subsection (a), the federally funded research and development center shall—
(1) qualitatively analyze the operational re-
quired and inherent risks associated with maintaining a specific level of cash within each
revenue fund of the Department;
(2) for each such revolving fund, take into consideration any effects on appropriation accounts that have occurred due to changes made in the rates charged by the fund during a fiscal year;

(3) take into consideration direct input from the Secretary of Defense and officials of each of the military departments with leadership responsibilities for financial management;

(4) examine the guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, as in effect on the date of the enactment of this Act, including such guidance with respect to programming and budgeting and the annual budget displays provided to Congress;

(5) review any accounts that have occurred due to congressional adjustments relating to excess cash balances in revolving funds;

(6) identify best business practices from the private sector relating to sufficient cash balance reserves;

(7) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office; and

(8) address:

(A) differences where the fiscal policy of the Department of Defense directly follows the law, as in effect on the date of the enactment of this Act, and instances where such policy is more restrictive than or departed from the fiscal management of revolving funds than such law requires;

(B) instances where current Department fiscal policy restricts the capability of a revolving fund to carry out activities at a cost economical and efficient organization and operation of activities;

(C) fiscal policy adjustments required to comply with recommendations provided in the study, including proposed adjustments to—

(i) the Department of Defense Financial Management Regulation;

(ii) published service regulations and instructions; and

(iii) major command fiscal guidance; and

(D) such other matters as determined relevant by the center carrying out the study.

(c) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretary of each of the military departments shall make available to a federally funded research and development center carrying out a study pursuant to a contract entered into the contract, the Secretary of Defense enters into the contract, the Secretary of Defense a final report on the

conducting the assessment of such environments

and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1989 (50 U.S.C. 98h) for the

 Were the notification.

Manager may make the additional obligations

obligations. The National Defense Stockpile

subsection (a) if the National Defense Stockpile

amounts in excess of the amount specified in

sensitive.

subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the

manner.

(3) $7,132,000 is for Procurement.

 SEC. 1408. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for Procurement in the amount of $1,131,351,000, of which—

(1) $282,354,000 is for Operation and Maintenance;

(2) $392,811,000 is for Research, Development, Test, and Evaluation; and

(3) $7,132,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1989 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1407. DISTRIBUTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,331,251,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Operation of the Inspector General of the Department of Defense, in the amount of $283,354,000, of which—

(1) $282,354,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1409. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $30,991,952,000, of which—

(1) $29,947,792,000 is for Operation and Maintenance;

(2) $524,220,000 is for Research, Development, Test, and Evaluation; and

(3) $519,921,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—Funds are hereby authorized to be appropriated for the fiscal year 2011 for the National Defense Stockpile Fund in the amount of $934,866,000.

(b) AUTHORITY OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for—

(i) the Department of Defense Financial Management; and

(ii) published service regulations and instructions; and

(iii) major command fiscal guidance; and

(iv) such other matters as determined relevant by the center carrying out the study.

(c) USE AND TRANSFER OF FUNDS.—Subsection (b) shall be subject to such limitations as may be provided in appropriations Acts.

(d) REPORT.—Any contract entered into under subsection (a) shall provide that not later than nine months after the date on which the Secretaries of Defense enters into the contract, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a final report on the study. The report shall include each of the following:

(1) A description of the revolving fund environment, as of the date of the conclusion of the study, and the anticipated future environment, together with recommendations derived from the data used in conducting the assessment of such environments under the study.

(2) Recommended fiscal policy adjustments to support the initiatives identified in the study, including adjustments to—

(A) the Department of Defense Financial Management Regulation;

(B) published service regulations and instructions; and

(C) major command fiscal guidance.

(3) Analysis that bears on the relationship of any changes to any applicable law that would be appropriate to support the initiatives identified in the study.

(e) ORAL OR WRITTEN COMMENTS.—Not later than 90 days after the date of the submittal of the report under subsection (d), the Secretary of Defense and the Secretaries of each of the military departments shall submit to the Committees on Armed Services of the Senate and House of Representatives comments on the findings and recommendations contained in the report.

SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $77,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2011 the sum of $71,200,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. PLAN FOR FUNDING FUEL INFRASTRUCTURE RESTORATION AND MODERNIZATION REQUIREMENTS.

Not later than the date on which the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the fuel infrastructure of the Department of Defense. Such report shall include projections for fuel infrastructure sustainment, restoration, and modernization requirements, and a plan for funding such requirements.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2011 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Army in the amount of $1,373,803,000, to be used among other things, for—

(1) for aircraft procurement, $1,373,803,000;

(2) for missile procurement, $343,828,000;

(3) for unmanned aerial combat vehicles procurement, $687,500,000;

(4) for munition procurement, $652,491,000; and

(5) for other procurement, $5,865,466,000.

SEC. 1503. JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint Improved Explosive Device Defeat Fund in the amount of $3,464,368,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 5171) are amended by striking the amount of $3,464,368,000.
SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $343,135,970.
(2) For equipment procurement, Navy, $1,276,904,000.
(3) For ammunition procurement, Navy and Marine Corps, $653,084,000.
(4) For weapon procurement, Navy, $93,425,000.
(5) For procurement, Marine Corps, $1,854,243,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $1,996,520,000.
(2) For ammunition procurement, $292,959,000.
(3) For missile procurement, $56,000,000.
(4) For other procurement, $3,087,481,000.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement account for Defense-wide activities in the amount of $1,307,046,000.

SEC. 1507. THE DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated by section 1506 for the procurement account for Defense-wide activities, the Secretary of Defense may provide up to $250,000,000 to the government of Israel for the procurement of the Iron Dome defense system to counter short-range rockets and missiles.

SEC. 1508. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement of aircraft, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $700,000,000.

SEC. 1509. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $2,000,000,000.

SEC. 1510. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Army, $112,734,000.
(2) For the Navy, $90,401,000.
(3) For the Air Force, $286,241,000.
(4) For other activities, $657,240,000.

SEC. 1511. OPERATION AND MAINTENANCE.

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

(1) For the Army, $82,992,618,000.
(2) For the Navy, $64,964,634,000.
(3) For the Marine Corps, $4,136,522,000.
(4) For the Air Force, $13,487,283,000.
(5) For Defense-wide activities, $9,426,359,000.
(6) For the Army Reserve, $286,950,000.
(7) For the Navy Reserve, $93,559,000.
(8) For the Marine Corps Reserve, $29,685,000.
(9) For the Air Force Reserve, $129,607,000.
(10) For the Army National Guard, $544,349,000.
(11) For the Air National Guard, $350,823,000.
(12) For the Afghanistan Security Forces Fund, $10,964,583,000.
(13) For the Iraq Security Forces Fund, $2,000,000,000.
(14) For the Overseas Contingency Operations Transfer Fund, $10,964,583,000.

SEC. 1512. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1511(12) shall be subject to the conditions contained in subsection (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–181; 122 Stat. 420).

SEC. 1513. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Subject to subsection (b), funds made available to the Department of Defense for the Iraq Security Forces Fund in fiscal year 2011 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–181; 122 Stat. 420).
(b) COST-SHARE REQUIREMENT.—
(1) REQUIREMENT.—If funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 are used for the purchase of any item or service for Iraq Security Forces, the funds may not cover more than 80 percent of the cost of the item or service.
(2) EXCEPTION.—Funds provided under this section shall not apply to any item that the Secretary of Defense determines—
(A) is an item of significant military equipment (as such term is defined in section 479(a) of the Arms Export Control Act (22 U.S.C. 2794)); or
(B) is included on the United States Munitions List, as designated pursuant to section 4(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1514. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2011 to the Department of Defense for military personnel accounts in the total amount of $15,275,302,000.

SEC. 1515. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $485,394,000.

SEC. 1516. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2011 to the Department of Defense for military health personnel accounts in the total amount of $1,307,046,000.

SEC. 1517. DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $457,110,000.

SEC. 1518. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $10,529,000.

SEC. 1519. CONTINUATION OF PROHIBITION ON USE OF UNFUNDED DEFENSE PROGRAM FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1506(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1520. AVAILABILITY OF FUNDS FOR RAPID FORCE PROTECTION IN AFGHANISTAN.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by section 1515(1) for operation and maintenance for Defense-wide activities, the Secretary of Defense may obligate up to $300,000,000 during fiscal year 2011 to address urgent force protection requirements facing United States military forces in Afghanistan, as identified by the Commander of United States Forces–Afghanistan.
(b) USE OF RAPID ACQUISITION AUTHORITY.—To carry out this section, the Secretary of Defense may utilize the rapid acquisition authority available to the Secretary.
(c) USE OF TRANSFER AUTHORITY.—To carry out this section, the Secretary of Defense may transfer the authority provided by section 1502, subject to the limitations of subsection (a)(2) of such section on the total amount of authorizations that may be transferred.

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary to address the needs of the national security, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization transferred.
(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $500,000,000.
(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.
(c) ADDITIONAL AUTHORITY.—The Secretary of Defense may transfer the authority provided by this section in addition to the transfer authority provided under section 1001.

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.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM DEFINED.—In this title, the term “sexual assault prevention and response program” refers to Department of Defense policies and programs, including policies and programs of a specific military department or Armed Force, that are intended to reduce the number of sexual assaults involving members of the Armed Forces and improve the response of the Department to reported incidents involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both.
(b) OTHER DEFINITIONS.—In this title:
(1) The term “Armed Forces” means the Army, Navy, Air Force, and Marine Corps.
(2) The term “department” has the meaning given that term in section 101(a)(6) of title 10, United States Code.

(3) The term “military installation” has the meaning given that term by the Secretary concerned.

(4) The term “Secretary concerned” means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force.

Subtitle A—Immediate Actions to Improve Department of Defense Sexual Assault Prevention and Response Program

SEC. 161. SPECIFIC BUDGETING FOR DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Effective with the Program Objective Memorandum to be issued for fiscal year 2012 and thereafter and containing recommended programming and resource allocations for the Department of Defense, the Secretary of Defense shall ensure that the Department of Defense sexual assault prevention and response program to ensure that a separate line of funding is allocated to the program.

SEC. 1612. CONSISTENCY IN TERMINOLOGY, POSITION DESCRIPTIONS, PROGRAM STANDARDS, AND ORGANIZATIONAL INTEGITY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall require the use of consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the Armed Forces in implementing the Department of Defense sexual assault prevention and response program.

(b) RECOGNIZING OPERATIONAL DIFFERENCES.—In complying with subsection (a), the Secretary of Defense shall take into account the responsibilities of the Secretary concerned and operational needs of the Armed Forces involved.

SEC. 1613. GUIDANCE FOR COMMANDERS.

Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall issue guidance to all military unit commanders that implementation of the Department of Defense sexual assault prevention and response program enhances their leadership and is their responsibility.

SEC. 1614. COMMANDER CONSULTATION WITH SEXUAL ASSAULT ADVISORY COUNCIL.

Before making a decision regarding how to proceed under the Uniform Code of Military Justice in the case of an alleged sexual assault or other offense covered by section 926 of title 10, United States Code (article 120), the commanding officer shall offer to meet with the victim of the offense to determine the opinion of the victim regarding case disposition and provide that information to the convening authority.

SEC. 1615. OVERSIGHT AND EVALUATION.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) issue standards to be used to assess and evaluate the effectiveness of the sexual assault prevention and response program of each Armed Force in reducing the number of sexual assaults involving members of the Armed Forces and in improving the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both;

(2) develop measures to ensure that the Armed Forces comply with those standards.

SEC. 1616. SEXUAL ASSAULT REPORTING HOTLINE.

(a) AVAILABILITY OF HOTLINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a universal hotline to facilitate the reporting of a sexual assault—

(1) by a member of the Armed Forces, whether serving in the Regular or Reserve forces, or an oversea, who is a victim of a sexual assault; or

(2) by any other person who is a victim of a sexual assault involving a member of the Armed Forces.

(b) PROMPT RESPONSE.—The Secretary of Defense shall ensure that a Sexual Assault Response Coordinator, with respect to the locality of the victim promptly responds to the reporting of a sexual assault using the hotline. The Secretary of Defense shall define appropriate localities for purposes of this section.

SEC. 1617. REVIEW OF APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM TO RESERVE COMPONENTS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the application of the sexual assault prevention and response program for the reserve components.

(b) CONTENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The ability of members of the reserve components to access the services available under the sexual assault prevention and response program, including policies and programs of a specific military department or Armed Force.

(2) The quality of training provided to Sexual Assault Response Coordinators and Sexual Assault Victim Advocates in the reserve components.

(3) The degree to which the services available for regular and reserve members under the sexual assault prevention and response program are integrated.

(4) Such recommendations as the Secretary of Defense considers appropriate on how to improve the services available for reserve members under the sexual assault prevention and response program and their access to the services.

SEC. 1618. REVIEW OF EFFECTIVENESS OF REVISED UNIFORM CODE OF MILITARY JUSTICE OFFENSES REGARDING RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the effectiveness of section 926 of title 10, United States Code (ar- ticle 120, Uniform Code of Military Justice), as amended by section 552 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3256). The Secretary shall use the results of the review to consider changes and improvements to the sexual assault prevention and response program.

(b) SUBMISSION OF RESULTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit the results of the review to the congressional defense committees.

SEC. 1619. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.

(1) DEVELOPMENT OF CURRICULA.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop and implement a sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the Department of Defense to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault.

(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, personal growth, and professional development to ensure that such training shall be tailored for specific leadership levels and local area requirements.

(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall ensure that the sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

(c) INCLUSION IN FIRST RESPONDER TRAINING.

(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

SEC. 1620. USE OF SEXUAL ASSAULT FORENSIC MEDICAL EXAMINERS.

Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall provide for the use of sexual assault examiners within the Department of Defense who are specially trained regarding the collection and preservation of evidence in cases involving sexual assault.

SEC. 1621. SEXUAL ASSAULT ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall establish a Sexual Assault Advisory Board, to be modeled after other Defense advisory boards, such as the Defense Business Board, the Defense Policy Board, or the Defense Science Board.

(b) PURPOSE.—The purpose of the Sexual Assault Advisory Board is—

(1) to advise the Secretary of Defense on the overall Department of Defense sexual assault prevention and response program and its comprehensive prevention strategy and on the effectiveness of the sexual assault prevention and response program of each Armed Force; and

(2) to make recommendations regarding changes and improvements to the sexual assault prevention and response program.

(c) RELATION TO SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.—The Sexual Assault Advisory Board is not intended to replace the organic capabilities that must reside in the Sexual Assault Prevention and Response Office, but to ensure that best practices from both the civilian and military community perspective are incorporated into the design, development, and performance of the sexual assault prevention and response program.

(d) ORGANIZATION AND MEMBERSHIP.—The Sexual Assault Advisory Board shall be chaired by the Undersecretary of Defense for Personnel and Readiness. The Sexual Assault Advisory Board shall include experts on criminal law and sexual assault prevention, response, and training who are not members of the Armed Forces or civilian employees of the Department of Defense and include representatives from other Federal agencies.

(e) FREQUENCY OF MEETINGS.—The Sexual Assault Advisory Board shall meet not less frequently than biannually.

SEC. 1622. DEPARTMENT OF DEFENSE SEXUAL ASSAULT ADVISORY COUNCIL.

(a) REORGANIZATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall reorganize the Sexual Assault Advisory Council to be known as the Sexual Assault Advisory Council to Department of Defense personnel.
of such section not later than September 30, 2011.

(b) ACQUISITION PROCESS.—To meet the deadline imposed by subsection (a), acquisition best practices will be put in place for successfully acquiring and deploying information technology systems related to the database, such as economically justifying the acquisition, effectively developing and managing requirements, shall be completed as soon as possible.

Subtitle B—Sexual Assault Prevention Strategy and Annual Reporting Requirement
SEC. 1621. COMPREHENSIVE DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION STRATEGY.
(a) STRATEGY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy to reduce the number of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both.

(b) COOPERATION WITH OTHER REQUIREMENTS.—In developing the comprehensive strategy under subsection (a), the Secretary of Defense shall incorporate and build upon—

(1) the new requirements imposed by this subtitle;
(2) the policies and procedures developed under section 596(a) of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 113 note); and
(3) the prevention and response plan developed under section 596(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2313).

(c) IMPLEMENTATION OF STRATEGY.—Not later than six months after the submission of the comprehensive strategy prepared under subsection (a), the Secretary of Defense shall complete implementation of the comprehensive strategy throughout the Department of Defense.

(d) SEXUAL ASSAULT PREVENTION EVALUATION PLAN.

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement an evaluation plan for assessing the effectiveness of the comprehensive strategy prepared under subsection (a) and its intended outcomes at the Department of Defense and individual Armed Force levels.

(2) COMMANDER ROLE.—As a component of the evaluation plan for each military installation and the commander of each unified or specified combatant command shall assess the adequacy of measures undertaken at facilities under the authority of the commander to ensure safety and security of members to evaluate and improve the sexual gender-relations survey of an adequate sample.

(3) SUBMISSION OF RESULTS.—The results of assessments conducted under the evaluation plan shall be included in the annual report required by section 1632, beginning with the report required to be submitted in calendar year 2012.

SEC. 1632. ANNUAL REPORT ON SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) ANNUAL REPORT ON SEXUAL ASSAULTS.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall submit to the Congress an annual report on the number of sexual assaults involving members of the Armed Forces under subsection (a) of section 596 of title 10, United States Code.

(b) CONTENTS.—The report of a Secretary of a military department on an Armed Force under subsection (a) shall include the following:

(1) The number of sexual assaults committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded.

(2) The number of sexual assaults committed by members of the Armed Forces that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded. The information required by this paragraph shall be combined with the information required by paragraph (1).

(3) A synopsis of each such founded case, organized by offense, and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction specified, if any.

(4) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by the report to response in instances of such cases and to eliminate any gaps in investigating and adjudicating such cases.

SEC. 1633. COMPLIANCE AND REPORTING ON SEXUAL ASSAULT PREVENTION STRATEGY AND ANNUAL REPORT.

(a) NEW DEADLINE FOR ACQUISITION.—Notwithstanding subsection (c) of section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-147; 122 Stat. 2187) that requires the completion of the centralized sexual assault database required by subsection (a)
by the Secretary concerned of the implementation during the preceding fiscal year of the sexual assault prevention and response program in order to determine the effectiveness of the program during the preceding fiscal year in providing an appropriate response to sexual assaults involving members of the Armed Forces.

(f) SUBMISSION TO CONGRESS.—The Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives each report prepared under subsection (a), together with the comments of the Secretaries of the military departments on the report. The Secretary of Defense shall submit each such report not later than March 15 of the year following the year covered by the report.


Subtitle C—Amendments to Title 10

SEC. 1641. SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

(a) APPOINTMENT OF DIRECTOR; DUTIES.—Chapter 80 of title 10, United States Code, as amended by section 902, is amended by inserting after section 139 the following new section:

§139a. Director of Sexual Assault Prevention and Response Office.

(a) APPOINTMENT.—There is a Director of the Sexual Assault Prevention and Response Office who shall be a general or flag officer or an employee of the Department of Defense in a comparable civilian position assigned to the Sexual Assault Prevention and Response Office and provides oversight to ensure that the military departments comply with the program.

(b) DUTIES.—The Director of the Sexual Assault Prevention and Response Office serves as the single point of authority, accountability, and oversight for the Department of Defense sexual assault prevention and response program and provides oversight to ensure that the military departments comply with the program.

(2) The Director shall—

(1) establish a Sexual Assault Response Coordinator assigned under subsection (a) to serve as a single point of authority, accountability, and oversight for the Department of Defense sexual assault prevention and response program, the Secretary of Defense shall—

(2) establish a Sexual Assault Response Coordinator, or both.''

(3) The Director shall—

(1) assign a Sexual Assault Response Coordinator to each unit that—

(2) the Secretary concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. The additional Victim Advocates shall serve as a deployable Sexual Assault Response Coordinator to a unit under subsection (a) or a Sexual Assault Response Coordinator designated to a unit under subsection (b) is not deployed with the unit.

(2) A deployable Sexual Assault Response Coordinator or deployable Sexual Assault Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

(3) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) must have completed the training program required by paragraph (1) and obtained the certification.

(4) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training program required by paragraph (1) and obtained the certification.

(5) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) must have completed the training program required by paragraph (1) and obtained the certification.

(6) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training program required by paragraph (1) and obtained the certification.

SEC. 1642. SEXUAL ASSAULT RESPONSE COORDINATORS AND VICTIM ADVOCATES.

(a) ASSIGNMENT AND TRAINING.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

§1568. Sexual assault prevention and response: Sexual Assault Response Coordinator and Victim Advocates.

(a) ASSIGNMENT OF COORDINATORS.—(1) At least one Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. The additional Sexual Assault Response Coordinators may serve on a full-time or part-time basis at the discretion of the Secretary.

(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator. After that date, contractor employees may serve as a Sexual Assault Response Coordinator only on a temporary basis, as determined by the Secretary of Defense.

(3) The Secretary of Defense shall ensure that a Sexual Assault Response Coordinator assigned under subsection (a) to serve as a deployable Sexual Assault Response Coordinator, or both.''

(b) ASSIGNMENT TO VICTIM ADVOCATES.—(1) At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of Defense shall ensure that a Sexual Assault Response Coordinator assigned under subsection (a) to serve as a deployable Sexual Assault Response Coordinator, or both.''

(2) The Secretary of Defense shall ensure that a Sexual Assault Response Coordinator assigned under subsection (a) to serve as a deployable Sexual Assault Response Coordinator, or both.''

(3) The Secretary of Defense shall—

(1) assign a Sexual Assault Response Coordinator to each unit that—

(2) the Secretary concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. The additional Victim Advocates shall serve as a deployable Sexual Assault Response Coordinator to a unit under subsection (a) or a Sexual Assault Response Coordinator designated to a unit under subsection (b) is not deployed with the unit.

(2) A deployable Sexual Assault Response Coordinator or deployable Sexual Assault Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

(3) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) must have completed the training program required by paragraph (1) and obtained the certification.

(4) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training program required by paragraph (1) and obtained the certification.

(5) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training program required by paragraph (1) and obtained the certification.

(6) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training program required by paragraph (1) and obtained the certification.

SEC. 1643. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND VICTIM ADVOCATE SERVICES.

(a) ACCESS.—Chapter 51 of title 10, United States Code, is amended by inserting after section 1044d the following new section:

§1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault.

(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—

(1) MEMBERS.—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

May 27, 2010
PARTICIPATE IN INVESTIGATION.—The Secretary electing unrestricted or restricted (confidential) reporting of the sexual assault.

To legal assistance and Victim Advocate services the case of a member of the armed forces, access to legal assistance and Victim Advocate services may be declined, in whole or in part, at any time.

NATURE OF REPORTING IMMATERIAL.—In the case of a member of the armed forces, access to legal assistance and Victim Advocate services is available to the member whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

Nothing in this subsection shall be construed to establish an attorney-client relationship.

RESTRICTED REPORTING OPTION.—A member of the armed forces who is the victim of a sexual assault may confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

PERSONS COVERED BY RESTRICTED REPORTING.—Individuals covered by paragraph (1) are the following:

(a) A civilian attorney certified as competent to practice law;

(b) An attorney-client relationship.

Sexual Assault Response Coordinator.

(c) Sexual Assault Victim Advocate.

(d) Healthcare personnel.

(e) Chaplain.

IMPOR TANCE OF CONTACTING SEXUAL ASSAULT RESPONSE COORDINATOR.—The Secretary of Defense shall implement a Sexual Assault Response Coordinator program under which a Sexual Assault Response Coordinator after a sexual assault to ensure that the victim receives the restricted reporting option and receives guidance on available services and victim care. A member's responsibility to report a sexual assault is satisfied by informing the Sexual Assault Victim Coordinator, in addition to or in lieu of informing the member's commander or military law enforcement.

CLARIFICATION OF VICTIM OPTION TO PARTICIPATE IN INVESTIGATION.—The Secretary of Defense shall implement a Sexual Assault Response Coordinator program under which a Sexual Assault Response Coordinator, or both, may complete a form indicating a preference not to participate further in the investigatory process.

DEFINITIONS.—In this section:

(1) The term 'sexual assault' includes any of the offenses covered by section 920 of this title (article 120);

(2) The term 'military legal assistance counsel' means—

(a) A legal assistance provided by a military legal assistance counsel certified as competent to provide such duties pursuant to section 827(b) of this title (article 21(b) of the Uniform Code of Military Justice); or

(b) A civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title;.

CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044d the following new item:

"1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault.".

CONFORMING AMENDMENT REGARDING PROVISION OF LEGAL COUNSEL.—Section 1044d(c)(3) of title 10, United States Code (as added by section 1 of this Act), is amended by striking "sections 1044a, 1044b, 1044c, and 1044d" and inserting "sections 1044a Through 1044d".

NOTIFICATION OF COMMAND OF OFFICER INVOLVING CHARGES OF SEXUAL ASSAULT.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(a) ANNOUNCEMENT TO PARTICIPANTS.—" before "A court-martial"; and

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

"(b) DISSEMINATION OF RESULTS TO COURT-MARTIALS—In certain cases.—In the case of an alleged sexual assault or other offense covered by section 920 of the Uniform Code of Military Justice, the trial counsel shall notify the servicing staff judge advocate at the military installation, who shall notify the convening authority and commanders, as appropriate, with the servicing staff judge advocate, the commanding officer shall notify members of the command of the outcome of the case;"

COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT INVOLVING A MEMBER OF THE ARMED FORCES.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of the Uniform Code of Military Justice, the trial counsel shall forward the record of the proceedings of the court-martial shall be given to the victim of the offense if the victim testified during the proceedings. The record of the proceedings shall be provided without charge and as soon as the record is authenticated. The victim shall be notified of the opportunity to receive a copy of the record of the proceedings;"

COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.

Section 1074m of title 10, United States Code (as added by section 1 of this Act), is amended—

(1) by inserting "(a) MEDICAL CARE AND RECORDS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§1074m. Medical care for members who are victims of sexual assault.

(a) MEDICAL CARE.—(1) The Secretary of Defense shall establish protocols for providing medical care to a member of the armed forces who is a victim of a sexual assault, including protocols with respect to the appropriate screening, prevention, and mitigation of diseases.

(b) In establishing the protocols under paragraph (1), the Secretary shall take into consideration the sex of the member of the armed forces.

(c) RECORDS.—The Secretary shall ensure that—

(1) an accurate and complete medical record is maintained for each member of the armed forces who is a victim of a sexual assault, including protocols with respect to the appropriate screening, prevention, and mitigation of diseases.

(2) such record complies with the requirements for confidentiality in subsection (b) of this title.

(3) such record complies with the requirement for confidentiality in subsection (b) of this title.

RESTRICTED REPORTING.—Nothing in this section shall be construed as affecting the right of a member of the armed forces to make a restricted report under section 1044e(b) of this title;.

CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074m the following new item:

"1074m. Medical care for members who are victims of sexual assault.".

VICTIM RIGHTS.—"(a) PRIVILEGE ESTABLISHED.—(1) In general.—Chapter 53 of title 10, United States Code is amended by inserting after section 1034a the following new section:

"§1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates.

A confidential communication between the victim of a sexual assault or other offense covered by section 920 of this title (article 120 of the Uniform Code of Military Justice) and a Sexual Assault Victim Advocate, shall be treated in the same manner as a confidential communication between a patient and a psychiatrist for purposes of any privilege which may attach to such communication;",

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034a the following new item:

"1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates.

APPLICABILITY.—Section 1034b of title 10, United States Code, as added by subsection (a), applies to communications described in such section whether made before, on, or after the date of the enactment of this Act.

TITLE D—OTHER MATTERS

RECRUITER SELECTION AND OVERSIGHT

Screening, Training, and Oversight of Recruiters.—The Secretary of the Army shall ensure effective recruiter selection and oversight with respect to sexual assault prevention and response by ensuring that—

(1) recruiters are screened and trained under the sexual assault prevention and response program;

(2) sexual assault prevention and response program information is disseminated to recruits and potential recruits for the Armed Forces; and

(3) oversight is in place to preclude the potential for sexual misconduct by recruiters.

IMPROVED AWARENESS OF RECRUTERS.—Commanders of recruiting offices and Military Entrance Processing Stations shall ensure that sexual assault prevention and response awareness campaign materials are available for potential and actual recruits for the Armed Forces.

AVAILABILITY OF SERVICES UNDER SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAMS FOR DEFENDANTS, MEMBERS OF MILITARY SECTORS, AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE, DEFEND CONTRACTORS.

(a) NOTIFICATION OF EXTENT OF CURRENT SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) submit to the Congress a report describing the extent to which the services available under the sexual assault prevention and response services under the sexual assault prevention and response program are available for potential and actual recruits for the Armed Forces; and

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent to which the sexual assault prevention and response services under the sexual assault prevention and response program are available for potential and actual recruits for the Armed Forces.
feasibility of extending all sexual assault prevention and response services available for a member of the Armed Forces who is the victim of a sexual assault to persons referred to in subsection (a).

SEC. 1663. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN TRAINING ENVIRONMENTS.

The Secretaries of the military departments shall ensure that each member of the Armed Forces who is a victim of a sexual assault in a training environment is provided, to the maximum extent possible, with confidential access to victim support services and afforded time for recovery. The member shall not be required to repeat training unless the time needed for support services and recovery significantly interferes with the progress of the member's training.

SEC. 1664. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN REMOTE ENVIRONMENTS AND JOINT BASING SITUATIONS.

(a) REMOTE AND DEPLOYED ENVIRONMENTS.—The Secretary of Defense and the combatant commanders shall ensure that the sexual assault prevention and response program continues to operate even in remote environments in which members of the Armed Forces are deployed, including coalition operations.

(b) JOINT BASING.—The Secretary of Defense shall monitor the implementation of the sexual assault prevention and response program and military justice and jurisdiction issues at joint basing locations. Elements of the Armed Forces sharing a joint base location shall closely collaborate on sexual assault prevention and response issues to ensure consistency in approach and messages at the joint base location.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2011”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMENDMENTS REQUIRED TO BE SPECIFIED BY LAW.

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

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

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

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor).

SEC. 2003. EFFECTIVE DATE.

(a) TITLES XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, AND XXIX SHALL TAKE EFFECT ON THE LATER OF—

(1) October 1, 2010; or

(2) the date of the enactment of this Act.

(b) REPORT ON APPLICATIONS FOR MILITARY CONSTRUCTION PROJECTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing how the reduction required by subsection (a) is applied.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount of Appropriations (Amounts Specified In Thousands of Dollars)</th>
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</table>
(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Military Construction Outside the United States

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<th>Location/Installation</th>
<th>Purpose of Project</th>
<th>Total Amount (in Thousands of Dollars)</th>
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<td>AF Bagram AB</td>
<td>Barracks</td>
<td>18,000</td>
</tr>
<tr>
<td>AF Bagram AB</td>
<td>Army Aviation HQ Facilities</td>
<td>19,000</td>
</tr>
<tr>
<td>AF Bagram AB</td>
<td>Eastside Utilities Infrastructure</td>
<td>29,000</td>
</tr>
<tr>
<td>AY Wiesbaden AB</td>
<td>Command and Battle Center, Incl 2</td>
<td>5,100</td>
</tr>
<tr>
<td>AY Wiesbaden AB</td>
<td>Construct New Access Control Point</td>
<td>0</td>
</tr>
<tr>
<td>AY Sembach AB</td>
<td>Confinement Facility</td>
<td>9,100</td>
</tr>
<tr>
<td>AY Asbach</td>
<td>Physical Fitness Center</td>
<td>13,800</td>
</tr>
<tr>
<td>AY Grafenwoehr</td>
<td>Barracks</td>
<td>17,500</td>
</tr>
<tr>
<td>AY Grafenwoehr</td>
<td>Vehicle Maintenance Shop</td>
<td>18,000</td>
</tr>
<tr>
<td>AY Grafenwoehr</td>
<td>Barracks</td>
<td>19,000</td>
</tr>
<tr>
<td>AY Grafenwoehr</td>
<td>Barracks</td>
<td>19,000</td>
</tr>
<tr>
<td>AY Grafenwoehr</td>
<td>Barracks</td>
<td>19,000</td>
</tr>
<tr>
<td>AY Wiesbaden AB</td>
<td>Information Processing Center</td>
<td>30,400</td>
</tr>
<tr>
<td>AY Rhine Ordnance Barracks</td>
<td>Barracks Complex</td>
<td>35,000</td>
</tr>
<tr>
<td>AY Wiesbaden AB</td>
<td>Barracks</td>
<td>19,000</td>
</tr>
<tr>
<td>HO Soto Cano AB</td>
<td>Barracks</td>
<td>20,400</td>
</tr>
<tr>
<td>IT Vicenza</td>
<td>Brigade Complex - Barracks/Community, Incl 4</td>
<td>0</td>
</tr>
<tr>
<td>IT Vicenza</td>
<td>Brigade Complex - Operations Support Facility, Incl 4</td>
<td>0</td>
</tr>
<tr>
<td>KR Camp Walker</td>
<td>Electrical System Upgrade &amp; Natural Gas System</td>
<td>19,500</td>
</tr>
</tbody>
</table>

(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $3,456,462,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $459,800,000.

Army Family Housing

<table>
<thead>
<tr>
<th>Location/Installation</th>
<th>Purpose of Project</th>
<th>Total Amount (in Thousands of Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AK Fort Wainwright</td>
<td>Family Housing Replacement Construction (110 units)</td>
<td>21,000</td>
</tr>
<tr>
<td>GY Baumholder</td>
<td>Family Housing Replacement Construction (64 units)</td>
<td>34,329</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—The Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,040,000.
(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2823 of title 10, United States Code, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $25,000,000.
(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—
(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), (c) in the total amount of $82,369,000; and
(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $318,140,000.

(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $25,462,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:
### SEC. 2103. USE OF UNOBLIGATED ARMED FORCES MILITARY CONSTRUCTION FUNDS IN CONJUNCTION WITH FUNDS PROVIDED BY THE COMMONWEALTH OF VIRGINIA TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.


(1) in paragraph (2), by adding “‘through a project for construction of an Army standard-design, two-company fire station at Fort Belvoir, Virginia,’” after ‘‘Building 191’’; and

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

“(3) The Secretary may use up to $3,900,000 of available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2011, in conjunction with the funds provided under paragraph (1), for the project described in paragraph (2).”

(b) **CONGRESSIONAL Notification.—**The Secretary of the Army shall provide information, in accordance with section 285(c) of title 10, United States Code, regarding the project described in the amendment made by subsection (a). If it becomes necessary to exceed the estimated project cost of $1,860,000, including $4,860,000 contributed by the Commonwealth of Virginia, the Secretary shall utilize the authority provided by section 265 of such title regarding authorized cost and scope of work variations.

### TITLE XXII—NAVY MILITARY CONSTRUCTION

#### SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4661) is amended by striking “Katterbach” and inserting “Grafenwoehr”.

#### SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for construction of a Brigade Complex at the installation, the Secretary of the Army may construct up to a 40,100 square-foot brigade headquarters consistent with the Army’s construction guidelines for brigade headquarters.

### Army: Extension of 2008 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Fort Stewart</td>
<td>Tactical Vehicle Facilities</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>Child Care Facility</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>Brigade Headquarters</td>
<td>$4,150,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>Multipurpose Machine Gun Range</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>Multipurpose Machine Gun Range</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>Alternative Fuel Facility</td>
<td>$4,150,000</td>
</tr>
</tbody>
</table>

### TAILING MILL—NAVY MILITARY CONSTRUCTION

#### SEC. 2101. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) **INSIDE THE UNITED STATES.—**The Secretary of the Navy may acquire real property and carry out military construction projects for the installation, or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA Coranado</td>
<td>Maritime Expeditionary Security Group- One (MESG-I)</td>
<td>Consolidated Boat Maintenance Facility</td>
<td>6,890</td>
<td>6,890</td>
</tr>
<tr>
<td>CA Monterey</td>
<td>Monterey NSA</td>
<td>International Academic Instruction Building</td>
<td>11,960</td>
<td>11,960</td>
</tr>
<tr>
<td>CA Camp Pendleton</td>
<td>Camp Pendleton - Bachelor Enlisted Quarters - 13 Area</td>
<td>Bachelor Enlisted Quarters</td>
<td>37,020</td>
<td>37,020</td>
</tr>
<tr>
<td>CA Camp Pendleton</td>
<td>Camp Pendleton - Center for Naval Aviation Technical Training/Fleet Replacement Squadron - Aviation Training and Bachelor Enlisted Quarters</td>
<td>Conveyance/Water Treatment</td>
<td>66,110</td>
<td>66,110</td>
</tr>
<tr>
<td>CA Camp Pendleton</td>
<td>Camp Pendleton - Marine Aviation Logistics Squadron-39 Maintenance Hangar Expansion</td>
<td></td>
<td>100,700</td>
<td>100,700</td>
</tr>
<tr>
<td>CA Camp Pendleton</td>
<td>Camp Pendleton - Marine Corps Enlisted, Homeport Ashore</td>
<td></td>
<td>9,950</td>
<td>9,950</td>
</tr>
<tr>
<td>CA Camp Pendleton</td>
<td>Camp Pendleton - North Region Terr Treat Plant (Incremented)</td>
<td></td>
<td>5,900</td>
<td>5,900</td>
</tr>
<tr>
<td>CA Camp Pendleton</td>
<td>Camp Pendleton - Truck Company Operations Complex</td>
<td></td>
<td>66,300</td>
<td>66,300</td>
</tr>
<tr>
<td>CA Coronado</td>
<td>Miramar</td>
<td>Aircraft Maintenance Hangar</td>
<td>87,200</td>
<td>87,200</td>
</tr>
<tr>
<td>CA Miramar</td>
<td>Miramar</td>
<td>Hangar 4</td>
<td>75,342</td>
<td>75,342</td>
</tr>
<tr>
<td>CA Tyndall</td>
<td>Miramar</td>
<td>Parking Apron/ Tazewell Expansion</td>
<td>55,482</td>
<td>55,482</td>
</tr>
<tr>
<td>CA San Diego</td>
<td>Miramar</td>
<td>Parking Apron/ Tazewell Expansion</td>
<td>55,482</td>
<td>55,482</td>
</tr>
<tr>
<td>CA Camp Pendleton</td>
<td>Camp Pendleton - Bachelor Enlisted Quarters &amp; Park - San Diego</td>
<td>Parking Apron/ Tazewell Expansion</td>
<td>55,482</td>
<td>55,482</td>
</tr>
<tr>
<td>FL Blount Island</td>
<td>Blount Island - Consolidated Warehouse Facility</td>
<td></td>
<td>17,260</td>
<td>17,260</td>
</tr>
<tr>
<td>FL Blount Island</td>
<td>Blount Island - Container Staging and Loading Lot</td>
<td></td>
<td>5,990</td>
<td>5,990</td>
</tr>
</tbody>
</table>
Navy Military Construction Inside the United States  
(Amounts Are Specified In Thousands of Dollars)

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>FL</td>
<td>Blount Island</td>
<td>Container Storage Lot</td>
<td>4,910</td>
<td>4,910</td>
</tr>
<tr>
<td>FL</td>
<td>Blount Island</td>
<td>Hardstand Extension</td>
<td>17,930</td>
<td>17,930</td>
</tr>
<tr>
<td>FL</td>
<td>Blount Island</td>
<td>Paint and Blast Facility</td>
<td>18,840</td>
<td>18,840</td>
</tr>
<tr>
<td>FL</td>
<td>Blount Island</td>
<td>Washack Expansion</td>
<td>3,600</td>
<td>9,690</td>
</tr>
<tr>
<td>FL</td>
<td>Tampa</td>
<td>Joint Comms Support Element Vehicle Paint Facility</td>
<td>2,300</td>
<td>2,300</td>
</tr>
<tr>
<td>GA</td>
<td>Albany MCLB</td>
<td>Maintenance Center Test Firing Range</td>
<td>5,180</td>
<td>5,180</td>
</tr>
<tr>
<td>GA</td>
<td>Kings Bay</td>
<td>Security Enclave &amp; Vehicle Barriers</td>
<td>45,904</td>
<td>45,904</td>
</tr>
<tr>
<td>GA</td>
<td>Kings Bay</td>
<td>Waterfront Expansion</td>
<td>5,040</td>
<td>5,040</td>
</tr>
<tr>
<td>HI</td>
<td>Camp Smith</td>
<td>Physical Fitness Center</td>
<td>29,960</td>
<td>29,960</td>
</tr>
<tr>
<td>HI</td>
<td>Kaneohe Bay</td>
<td>Bachelor Enlisted Quarters</td>
<td>90,530</td>
<td>90,530</td>
</tr>
<tr>
<td>HI</td>
<td>Kaneohe Bay</td>
<td>Waterfront Operations Facility</td>
<td>19,130</td>
<td>19,130</td>
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<tr>
<td>HI</td>
<td>Pearl Harbor</td>
<td>Center for Disaster Management Training</td>
<td>9,140</td>
<td>9,140</td>
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<tr>
<td>HI</td>
<td>Pearl Harbor</td>
<td>Joint POW/MIA Accounting Command</td>
<td>99,328</td>
<td>99,328</td>
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<tr>
<td>MD</td>
<td>Patuxent River NAS</td>
<td>Atlantic Test Range Addition</td>
<td>10,160</td>
<td>10,160</td>
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<tr>
<td>MD</td>
<td>Indian Head</td>
<td>Agile Chemical Facility, Ph 2</td>
<td>34,120</td>
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<tr>
<td>MD</td>
<td>Patuxent River</td>
<td>Broad Area Maritime Surveillance &amp; E Facility</td>
<td>42,211</td>
<td>42,211</td>
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<tr>
<td>ME</td>
<td>Portsmouth NSY</td>
<td>Structural Shops Addition, Ph 1</td>
<td>11,910</td>
<td>11,910</td>
</tr>
<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>2nd Intel Battalion Maintenance/Ops Complex</td>
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<td>90,270</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Armory- II MEF - Wallace Creek</td>
<td>12,320</td>
<td>12,320</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Bachelor Enlisted Quarters - Courthouse Bay</td>
<td>40,780</td>
<td>40,780</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Bachelor Enlisted Quarters - Courthouse Bay</td>
<td>42,330</td>
<td>42,330</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Bachelor Enlisted Quarters - French Creek</td>
<td>43,640</td>
<td>43,640</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Bachelor Enlisted Quarters - Safe Range</td>
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<td>NC</td>
<td>Camp Lejeune</td>
<td>Bachelor Enlisted Quarters - Wallace Creek</td>
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<td>51,660</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Bachelor Enlisted Quarters - Wallace Creek North</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Explosive Ordinance Disposal Unit Addition - 2nd Marine Logistics Group</td>
<td>7,420</td>
<td>7,420</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Hangar</td>
<td>73,010</td>
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<td>NC</td>
<td>Camp Lejeune</td>
<td>Maintenance Hangar</td>
<td>74,320</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Maintenance/Ops Complex - 2ND Air Naval Gunfire Liaison Company</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Marine Corps Energy Initiative</td>
<td>9,950</td>
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<td>NC</td>
<td>Camp Lejeune</td>
<td>Mess Hall - French Creek</td>
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<td>NC</td>
<td>Camp Lejeune</td>
<td>Mess Hall Addition - Courthouse Bay</td>
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<td>Camp Lejeune</td>
<td>Motor Transportation/Communications Maintenance Facility</td>
<td>18,470</td>
<td>18,470</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Utility Expansion - Hadnot Point</td>
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<td>NC</td>
<td>Camp Lejeune</td>
<td>Utility Expansion - French Creek</td>
<td>56,350</td>
<td>56,350</td>
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<tr>
<td>NC</td>
<td>Camp Lejeune</td>
<td>Bachelor Enlisted Quarters - Bachelor Enlisted Quarters - Courthouse Bay</td>
<td>42,500</td>
<td>42,500</td>
</tr>
<tr>
<td>NC</td>
<td>Cherry Point Marine Corps Air Station</td>
<td>Mariners Bay Land Acquisition - Bogue</td>
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<td>3,790</td>
</tr>
<tr>
<td>NC</td>
<td>Cherry Point Marine Corps Air Station</td>
<td>Station Infrastructure Upgrades</td>
<td>13,420</td>
<td>13,420</td>
</tr>
<tr>
<td>NC</td>
<td>Cherry Point Marine Corps Air Station</td>
<td>Missile Magazine</td>
<td>5,800</td>
<td>5,800</td>
</tr>
<tr>
<td>R1</td>
<td>Newport</td>
<td>Electromagnetic Facility</td>
<td>27,007</td>
<td>27,007</td>
</tr>
<tr>
<td>SC</td>
<td>Beaufort</td>
<td>Air Installation Compatable Use Zone Land Acquisition</td>
<td>21,190</td>
<td>21,190</td>
</tr>
<tr>
<td>SC</td>
<td>Beaufort</td>
<td>Aircraft Hangar</td>
<td>46,550</td>
<td>46,550</td>
</tr>
<tr>
<td>SC</td>
<td>Beaufort</td>
<td>Physical Fitness Center</td>
<td>15,430</td>
<td>15,430</td>
</tr>
<tr>
<td>SC</td>
<td>Beaufort</td>
<td>Training and Simulator Facility</td>
<td>46,260</td>
<td>46,260</td>
</tr>
<tr>
<td>TX</td>
<td>Kingsville NAS</td>
<td>Youth Center</td>
<td>2,610</td>
<td>2,610</td>
</tr>
<tr>
<td>VA</td>
<td>Norfolk</td>
<td>Pier 9 &amp; 10 Ugrades for DDG 100</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>VA</td>
<td>Norfolk</td>
<td>Pier 1 Ugrades to Berth USNS Comfort</td>
<td>10,935</td>
<td>10,935</td>
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<tr>
<td>VA</td>
<td>Portsmouth</td>
<td>Ship Repair Pier Replacement</td>
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<td>100,000</td>
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<tr>
<td>VA</td>
<td>Quantico</td>
<td>Academic Facility Addition - Staff Non Comissioned Officer Academy</td>
<td>12,080</td>
<td>12,080</td>
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<tr>
<td>VA</td>
<td>Quantico</td>
<td>Bachelor Enlisted Quarters</td>
<td>37,810</td>
<td>37,810</td>
</tr>
<tr>
<td>VA</td>
<td>Quantico</td>
<td>Research Center Addition- MCU</td>
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<td>37,920</td>
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<tr>
<td>VA</td>
<td>Quantico</td>
<td>Student Officer Quarters - The Basic School</td>
<td>55,822</td>
<td>55,822</td>
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<tr>
<td>WA</td>
<td>Kitsap MB</td>
<td>Charleston Gate BCP Improvements</td>
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<td>6,150</td>
</tr>
<tr>
<td>WA</td>
<td>Bangor</td>
<td>Commander Submarine Development Squadron 5 Laboratory Expansion Ph1</td>
<td>16,170</td>
<td>16,170</td>
</tr>
<tr>
<td>WA</td>
<td>Bangor</td>
<td>Limited Area Emergency Power</td>
<td>15,810</td>
<td>15,810</td>
</tr>
<tr>
<td>WA</td>
<td>Bangor</td>
<td>Waterfront Restricted Area Emergency Power</td>
<td>24,913</td>
<td>24,913</td>
</tr>
<tr>
<td>WA</td>
<td>Bremerton</td>
<td>Limited Area Product/STG Complex (incremented)</td>
<td>0</td>
<td>19,116</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy Military Construction Outside the United States  
(Amounts Are Specified In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>BI</td>
<td>SW Asia</td>
<td>Navy Central Command Ammunition Magazines</td>
<td>89,280</td>
<td>89,280</td>
</tr>
<tr>
<td>BI</td>
<td>SW Asia</td>
<td>Operations and Support Facilities</td>
<td>60,002</td>
<td>60,002</td>
</tr>
<tr>
<td>BI</td>
<td>SW Asia</td>
<td>Waterfront Department</td>
<td>63,871</td>
<td>63,871</td>
</tr>
<tr>
<td>DJ</td>
<td>Camp Lemoier</td>
<td>Camp Lemoier HQ Facility</td>
<td>12,407</td>
<td>12,407</td>
</tr>
<tr>
<td>DJ</td>
<td>Camp Lemoier</td>
<td>General Warehouse</td>
<td>7,324</td>
<td>7,324</td>
</tr>
<tr>
<td>DJ</td>
<td>Camp Lemoier</td>
<td>Horn of Africa Joint Operations Center</td>
<td>26,076</td>
<td>26,076</td>
</tr>
<tr>
<td>DJ</td>
<td>Camp Lemoier</td>
<td>Base External Military Use</td>
<td>3,624</td>
<td>3,624</td>
</tr>
<tr>
<td>JA</td>
<td>Atsugi</td>
<td>MH-60R/H Trainer Facility</td>
<td>6,908</td>
<td>6,908</td>
</tr>
<tr>
<td>ML</td>
<td>Guam</td>
<td>Anderson AFB North Ramp Parking, Ph 1, Inc 2</td>
<td>0</td>
<td>93,588</td>
</tr>
</tbody>
</table>
(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $3,255,000.

(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $721,760,000.

(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $20,877,000.

(4) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $121,765,000. None of the funds appropriated pursuant to this authorization of appropriations may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>ML Guam</td>
<td>Anderson AFB North Ramp Utilities, Ph 1, Inc 2</td>
<td></td>
<td>0</td>
<td>97,350</td>
</tr>
<tr>
<td>ML Guam</td>
<td>Apra Harbor Wharves Improvements, Ph 1</td>
<td></td>
<td>40,000</td>
<td></td>
</tr>
<tr>
<td>ML Guam</td>
<td>Finegay Day Site Prep and Utilities</td>
<td></td>
<td>147,210</td>
<td>147,210</td>
</tr>
<tr>
<td>SP Rota</td>
<td>Air Traffic Control Tower</td>
<td></td>
<td>23,190</td>
<td>23,190</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,255,000.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $146,020,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—

(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $186,444,000; and

(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $366,346,000.

SEC. 2203. TECHNICAL AMENDMENT TO REFLECT MULTI-INCREMENT FISCAL YEAR 2010 PROJECT.

Section 2204 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2634), is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(14) For the construction of the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a), $112,330,000.’’

(2) in subsection (b), by adding at the end the following new paragraph:

“(17) $30,000,000 (the balance of the amount authorized under section 2201(a) for North Region Tertiary Treatment Plant, Camp Pendleton, California).”

SEC. 2204. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:
### Air Force: Military Construction Inside the United States

(Amounts Are Specified In Thousands of Dollars)

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AZ</td>
<td>Fort Huachuca</td>
<td>Total Force Integration-Predator Launch and Recovery Element Beddown</td>
<td>11,000</td>
<td>11,000</td>
</tr>
<tr>
<td>CA</td>
<td>Los Angeles AFB</td>
<td>Parking Garage, Ph 2</td>
<td>4,500</td>
<td>4,500</td>
</tr>
<tr>
<td>CO</td>
<td>Buckley AFB</td>
<td>Security Forces Operations Facility</td>
<td>12,160</td>
<td>12,160</td>
</tr>
<tr>
<td>CO</td>
<td>Peterson AFB</td>
<td>Rapid Attack Identification Detection Report System Space Control Facility</td>
<td>24,800</td>
<td>24,800</td>
</tr>
<tr>
<td>CO</td>
<td>U.S. Air Force Academy</td>
<td>Const Center for Character &amp; Leadership Development</td>
<td>27,600</td>
<td>27,600</td>
</tr>
<tr>
<td>DE</td>
<td>Dover AFB</td>
<td>Joint Air Defense Operations Center</td>
<td>13,200</td>
<td>13,200</td>
</tr>
<tr>
<td>DE</td>
<td>Dover AFB</td>
<td>C-130J Fuels Systems Maintenance Facility, Ph 3</td>
<td>3,200</td>
<td>3,200</td>
</tr>
<tr>
<td>FL</td>
<td>Eglin AFB</td>
<td>F-35 Fuel Cell Maintenance Hangar</td>
<td>11,400</td>
<td>11,400</td>
</tr>
<tr>
<td>FL</td>
<td>Hurlburt Field</td>
<td>ADAL Special Operations School Facility</td>
<td>6,170</td>
<td>6,170</td>
</tr>
<tr>
<td>FL</td>
<td>Hurlburt Field</td>
<td>Add to Visiting Quarters (24 Rm)</td>
<td>4,500</td>
<td>4,500</td>
</tr>
<tr>
<td>FL</td>
<td>Patrick AFB</td>
<td>Base Logistics Facility</td>
<td>24,000</td>
<td>24,000</td>
</tr>
<tr>
<td>GA</td>
<td>Robins AFB</td>
<td>Warehouse</td>
<td>5,500</td>
<td>5,500</td>
</tr>
<tr>
<td>LA</td>
<td>Barksdale AFB</td>
<td>Weapons Load Crew Training Facility</td>
<td>18,140</td>
<td>18,140</td>
</tr>
<tr>
<td>MO</td>
<td>Whiteman AFB</td>
<td>Consolidated Air Ops Facility</td>
<td>23,500</td>
<td>23,500</td>
</tr>
<tr>
<td>NC</td>
<td>Pope AFB</td>
<td>Crash/Fire/Rescue Station</td>
<td>13,500</td>
<td>13,500</td>
</tr>
<tr>
<td>ND</td>
<td>Minot AFB</td>
<td>Control Tower/Base Operations Facility</td>
<td>18,770</td>
<td>18,770</td>
</tr>
<tr>
<td>NJ</td>
<td>McGuire AFB</td>
<td>Base Ops/Command Post Facility (TFI)</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>NJ</td>
<td>McGuire AFB</td>
<td>Dormitory (120 RM)</td>
<td>16,400</td>
<td>16,400</td>
</tr>
<tr>
<td>NM</td>
<td>Ellington Field</td>
<td>U.S. Air Force &amp; Research, Development, Test &amp; Evaluation Facilities</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>NM</td>
<td>Kirtland AFB</td>
<td>Replace Fire Station</td>
<td>6,800</td>
<td>6,800</td>
</tr>
<tr>
<td>NM</td>
<td>Cannon AFB</td>
<td>Dormitory (96 rm)</td>
<td>14,000</td>
<td>14,000</td>
</tr>
<tr>
<td>NM</td>
<td>Cannon AFB</td>
<td>UAS Squadron Ops Facility</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>NM</td>
<td>Cannon AFB</td>
<td>UAS Add/Alter Maintenance Facility</td>
<td>15,470</td>
<td>15,470</td>
</tr>
<tr>
<td>NM</td>
<td>Cannon AFB</td>
<td>UAS Maintenance Hangar</td>
<td>22,500</td>
<td>22,500</td>
</tr>
<tr>
<td>NM</td>
<td>Kirtland AFB</td>
<td>Aerial Delivery Facility Addition</td>
<td>3,800</td>
<td>3,800</td>
</tr>
<tr>
<td>NM</td>
<td>Kirtland AFB</td>
<td>Armament Shop</td>
<td>6,460</td>
<td>6,460</td>
</tr>
<tr>
<td>NM</td>
<td>Kirtland AFB</td>
<td>H/MC-130 Fuel System Maintenance Facility</td>
<td>14,142</td>
<td>14,142</td>
</tr>
<tr>
<td>NV</td>
<td>Creech AFB</td>
<td>UAS Airfield Fire/Rescue Station</td>
<td>11,710</td>
<td>11,710</td>
</tr>
<tr>
<td>NV</td>
<td>Nellis AFB</td>
<td>F-35 Add/Alter 422 Test Evaluation Squadron Facility</td>
<td>7,870</td>
<td>7,870</td>
</tr>
<tr>
<td>NV</td>
<td>Nellis AFB</td>
<td>F-35 Add/Alter Flight Test Instrumentation Facility</td>
<td>1,900</td>
<td>1,900</td>
</tr>
<tr>
<td>NV</td>
<td>Nellis AFB</td>
<td>F-35 Flight Simulator Facility</td>
<td>13,110</td>
<td>13,110</td>
</tr>
<tr>
<td>NV</td>
<td>Nellis AFB</td>
<td>F-35 Maintenance Hangar</td>
<td>28,750</td>
<td>28,750</td>
</tr>
<tr>
<td>NY</td>
<td>Fort Drum</td>
<td>20th Air Support Operations Squadron Complex</td>
<td>20,440</td>
<td>20,440</td>
</tr>
<tr>
<td>OK</td>
<td>Tinker AFB</td>
<td>Upgrade Building 3001 Infrastructure, Ph 3</td>
<td>14,000</td>
<td>14,000</td>
</tr>
<tr>
<td>SC</td>
<td>Charleston AFB</td>
<td>Civil Engineer Complex (TFI) - Ph 1</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>TX</td>
<td>Laughlin AFB</td>
<td>Community Event Complex</td>
<td>10,500</td>
<td>10,500</td>
</tr>
<tr>
<td>TX</td>
<td>Dyers AFB</td>
<td>C-130 Add/Alter Flight Simulator Facility</td>
<td>4,080</td>
<td>4,080</td>
</tr>
<tr>
<td>TX</td>
<td>Ellington Field</td>
<td>Upgrade Unmanned Aerial Vehicle Maintenance Hangar</td>
<td>7,000</td>
<td>7,000</td>
</tr>
<tr>
<td>TX</td>
<td>Lackland AFB</td>
<td>Basic Military Training Satellite Classroom/Dining Facility No 2</td>
<td>32,000</td>
<td>32,000</td>
</tr>
<tr>
<td>TX</td>
<td>Lackland AFB</td>
<td>One-Company Fire Station</td>
<td>5,500</td>
<td>5,500</td>
</tr>
<tr>
<td>TX</td>
<td>Lackland AFB</td>
<td>Recruit Dormitory, Ph 3</td>
<td>67,980</td>
<td>67,980</td>
</tr>
<tr>
<td>TX</td>
<td>Lackland AFB</td>
<td>Recruit/Family Inprocessing &amp; Info Center</td>
<td>21,800</td>
<td>21,800</td>
</tr>
<tr>
<td>UT</td>
<td>Hill AFB</td>
<td>F-22 T-10 Engine Test Cell</td>
<td>2,800</td>
<td>2,800</td>
</tr>
<tr>
<td>VA</td>
<td>Langley AFB</td>
<td>F-35 Add/Alter Hangar Bay LOCR Facility</td>
<td>8,800</td>
<td>8,800</td>
</tr>
<tr>
<td>VA</td>
<td>Camp Guernsey</td>
<td>Nuclear/Space Security Tactics Training Center</td>
<td>4,650</td>
<td>4,650</td>
</tr>
</tbody>
</table>

(b) **OUTSIDE THE UNITED STATES.—** The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

### Air Force: Military Construction Outside the United States

(Amounts Are Specified In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Overseas Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF</td>
<td>Bagram AFB</td>
<td>Consolidated Rigging Facility</td>
<td>9,900</td>
<td>9,900</td>
</tr>
<tr>
<td>AF</td>
<td>Bagram AFB</td>
<td>Fighter Hangar</td>
<td>16,480</td>
<td>16,480</td>
</tr>
<tr>
<td>AF</td>
<td>Bagram AFB</td>
<td>MEDEVAC Ramp Expansion/Fire Station</td>
<td>16,580</td>
<td>16,580</td>
</tr>
<tr>
<td>BI</td>
<td>SW Asia</td>
<td>North Apron Expansion</td>
<td>45,000</td>
<td>45,000</td>
</tr>
<tr>
<td>GU</td>
<td>Andersen AFB</td>
<td>Combat Communications Operations Facility</td>
<td>9,200</td>
<td>9,200</td>
</tr>
<tr>
<td>GU</td>
<td>Andersen AFB</td>
<td>Commando Warrior Open Bay Student Barracks</td>
<td>11,800</td>
<td>11,800</td>
</tr>
<tr>
<td>GU</td>
<td>Andersen AFB</td>
<td>Guam Strike Ops Group &amp; Tanker Task Force</td>
<td>9,100</td>
<td>9,100</td>
</tr>
<tr>
<td>GU</td>
<td>Andersen AFB</td>
<td>Guam Strike South Ramp Utilities, Ph 1</td>
<td>12,200</td>
<td>12,200</td>
</tr>
<tr>
<td>GU</td>
<td>Andersen AFB</td>
<td>Red Horse Headquarters/Engineering Facility</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>GY</td>
<td>Kapaun</td>
<td>Dormitory (128 RM)</td>
<td>19,600</td>
<td>19,600</td>
</tr>
<tr>
<td>GY</td>
<td>Ramstein AB</td>
<td>Unmanned Aerial System Satellite Communication Relay Pads &amp; Facility</td>
<td>10,800</td>
<td>10,800</td>
</tr>
<tr>
<td>GY</td>
<td>Ramstein AFB</td>
<td>Construct C-130J Flight Simulator Facility</td>
<td>8,800</td>
<td>8,800</td>
</tr>
<tr>
<td>GY</td>
<td>Ramstein AFB</td>
<td>Deicing Fluid Storage &amp; Dispensing Facility</td>
<td>2,754</td>
<td>2,754</td>
</tr>
<tr>
<td>GY</td>
<td>Vilter AFB</td>
<td>Air Support Operations Squadron Complex</td>
<td>12,900</td>
<td>12,900</td>
</tr>
<tr>
<td>IT</td>
<td>Aviano AFB</td>
<td>Air Support Operations Squadron Facility</td>
<td>10,200</td>
<td>10,200</td>
</tr>
<tr>
<td>IT</td>
<td>Aviano AFB</td>
<td>Dormitory (144 RM)</td>
<td>19,000</td>
<td>19,000</td>
</tr>
<tr>
<td>KR</td>
<td>Kunsan AFB</td>
<td>Construct Distributed Mission Training Flight Simulator Facility</td>
<td>7,500</td>
<td>7,500</td>
</tr>
<tr>
<td>QA</td>
<td>Al Udeid</td>
<td>Bluffford-Preston Complex Ph 2</td>
<td>62,300</td>
<td>62,300</td>
</tr>
<tr>
<td>UK</td>
<td>Royal Air Force Mildenhall</td>
<td>Bee Tax Any Alpha</td>
<td>15,000</td>
<td>15,000</td>
</tr>
</tbody>
</table>
(c) UNSPECIFIED WORLDWIDE.—The Secretary of the Air Force may acquire real property and carry out military construction projects at various unspecified installations or locations, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

### Air Force: Unspecified Worldwide
(Amounts Are Specified In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZU Various Worldwide Locations</td>
<td>F-35 Academic Training Center</td>
<td>54,150</td>
<td>54,150</td>
</tr>
<tr>
<td>ZU Various Worldwide Locations</td>
<td>F-35 Flight Simulator Facility</td>
<td>12,190</td>
<td>12,190</td>
</tr>
<tr>
<td>ZU Various Worldwide Locations</td>
<td>F-35 Squadron Operations Facility</td>
<td>10,260</td>
<td>10,260</td>
</tr>
</tbody>
</table>

(d) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $73,750,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $307,114,000.
(3) UNSPECIFIED WORLDWIDE.—For the military construction projects at unspecified worldwide locations authorized by subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $307,114,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $73,750,000.

c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $307,114,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—
(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $78,025,000; and
(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $513,792,000.

SEC. 2308. AUTHORIZATION OF ACQUISITION FOR CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorization set forth in the table in subsection (b), as provided in section 2302 of that Act (120 Stat. 2455) and extended by section 2306 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2638), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

### Air Force: Extension of 2007 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>Replace Family Housing (457 units)</td>
<td>$107,800,000</td>
</tr>
</tbody>
</table>

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies at installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AZ</td>
<td>Marana</td>
<td>Special Operations Forces Parachute Training Facility</td>
<td>6,250</td>
<td>6,250</td>
</tr>
<tr>
<td>AZ</td>
<td>Yuma</td>
<td>Special Operations Forces Military Free Fall Simulator</td>
<td>8,977</td>
<td>8,977</td>
</tr>
<tr>
<td>CA</td>
<td>Point Loma Annex</td>
<td>Replace Storage Facility, Incr 3</td>
<td>0</td>
<td>20,000</td>
</tr>
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<td>Purpose of Project</td>
<td>Project Amount</td>
<td>Authorization of Appropriations</td>
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<td>Fort Belvoir</td>
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<td>New Consolidated Elementary School</td>
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<td>WA</td>
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<td>Special Operations Forces Military Working Dogs Kennel</td>
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<tr>
<td>WA</td>
<td>Fort Lewis</td>
<td>Preventive Medicine Facility</td>
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<td>ZU</td>
<td>Unspecified Locations</td>
<td>General Reduction</td>
<td>-150,000</td>
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</table>
(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $1,930,120,000.

(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $452,415,000.

(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $124,971,000, as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
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<td>BE Brussels</td>
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<td>FY Katavi AB</td>
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<tr>
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<td>Replace Beoblingen High School</td>
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<td>VY Vilseck</td>
<td>Health Clinic Add/Add</td>
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<tr>
<td>JA Kadema AB</td>
<td>Install Fuel Filters-Separators</td>
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<td>JA Mira AB</td>
<td>Hydrant Fuel System Construction</td>
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<td>Antilles Elementary School/Intermediate School - Replace School</td>
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<tr>
<td>UK Royal Air Force Mildenhall</td>
<td>Replace Hydrant Fuel Distribution System</td>
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Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.


(c) LIMITATION.—The Secretary of the Army may not enter into a solicitation or task order for this construction project covered by the authorization modification provided by the amendment made by subsection (a).
(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

<table>
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<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Amount</th>
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<td>AR</td>
<td>Fort Chaffee</td>
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<tr>
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<td>Florence</td>
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<td>Watkins</td>
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<td>Colorado Springs</td>
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<tr>
<td>CO</td>
<td>Fort Carson</td>
<td>Regional Training Institute</td>
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<tr>
<td>CO</td>
<td>Gypsum</td>
<td>High Altitude Army Aviation Support</td>
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<td>Windsor</td>
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<td>CT</td>
<td>Windsor Locks</td>
<td>Readiness Center (Aviation)</td>
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<td>New Castle</td>
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<td>GA</td>
<td>Columbus</td>
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<td>Springfield</td>
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(c) AUTHORIZATION OF APPROPRIATIONS.— Funds are hereby authorized to be appropriated to the Secretary of the Army for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Army National Guard of the United States, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $1,019,902,000.
### Army Reserve: Inside the United States

(Amounts Are Specified In Thousands of Dollars)

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
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<tbody>
<tr>
<td>CA</td>
<td>Fairfield</td>
<td>Army Reserve Center</td>
<td>26,000</td>
</tr>
<tr>
<td>CA</td>
<td>Fort Hunter Liggett</td>
<td>Equipment Concentration Site Tactical Equipment Maint Facility</td>
<td>22,000</td>
</tr>
<tr>
<td>CA</td>
<td>Fort Hunter Liggett</td>
<td>Equipment Concentration Site Warehouse</td>
<td>15,000</td>
</tr>
<tr>
<td>CA</td>
<td>Fort Hunter Liggett</td>
<td>Grenade Launcher Range</td>
<td>1,400</td>
</tr>
<tr>
<td>CA</td>
<td>Fort Hunter Liggett</td>
<td>Hand Grenade Familiarization Range (Live)</td>
<td>1,400</td>
</tr>
<tr>
<td>CA</td>
<td>Fort Hunter Liggett</td>
<td>Light Demolition Range</td>
<td>2,700</td>
</tr>
<tr>
<td>CA</td>
<td>Fort Hunter Liggett</td>
<td>Tactical Vehicle Wash Rack</td>
<td>9,500</td>
</tr>
<tr>
<td>FL</td>
<td>Miami</td>
<td>Army Reserve Center/Land</td>
<td>13,800</td>
</tr>
<tr>
<td>FL</td>
<td>Orlando</td>
<td>Army Reserve Center/Land</td>
<td>10,200</td>
</tr>
<tr>
<td>FL</td>
<td>West Palm Beach</td>
<td>Army Reserve Center/Land</td>
<td>10,400</td>
</tr>
<tr>
<td>GA</td>
<td>Macon</td>
<td>Army Reserve Center/Land</td>
<td>11,400</td>
</tr>
<tr>
<td>IA</td>
<td>Des Moines</td>
<td>Army Reserve Center/Land</td>
<td>8,175</td>
</tr>
<tr>
<td>IL</td>
<td>Quincy</td>
<td>Army Reserve Center/Land</td>
<td>12,200</td>
</tr>
<tr>
<td>IN</td>
<td>Michigan City</td>
<td>Army Reserve Center/Land</td>
<td>15,500</td>
</tr>
<tr>
<td>MA</td>
<td>Devens Reserve Forces Training Area</td>
<td>Automated Record Fire Range</td>
<td>4,700</td>
</tr>
<tr>
<td>MO</td>
<td>Kansas City</td>
<td>Army Reserve Center/Land</td>
<td>11,800</td>
</tr>
<tr>
<td>NJ</td>
<td>Fort Dix</td>
<td>Automated Multipurpose Machine Gun Range</td>
<td>9,800</td>
</tr>
<tr>
<td>NM</td>
<td>Las Cruces</td>
<td>Army Reserve Center/Land</td>
<td>11,400</td>
</tr>
<tr>
<td>NY</td>
<td>Binghamton</td>
<td>Army Reserve Center/Land</td>
<td>13,400</td>
</tr>
<tr>
<td>TX</td>
<td>Dallas</td>
<td>Army Reserve Center/Land</td>
<td>12,600</td>
</tr>
<tr>
<td>TX</td>
<td>Rio Grande</td>
<td>Army Reserve Center/Land</td>
<td>6,100</td>
</tr>
<tr>
<td>TX</td>
<td>San Marcos</td>
<td>Army Reserve Center/Land</td>
<td>8,500</td>
</tr>
<tr>
<td>VA</td>
<td>Fort A.P. Hill</td>
<td>Army Reserve Center/Land</td>
<td>15,500</td>
</tr>
<tr>
<td>VA</td>
<td>Roanoke</td>
<td>Army Reserve Center/Land</td>
<td>14,800</td>
</tr>
<tr>
<td>VA</td>
<td>Virginia Beach</td>
<td>Army Reserve Center/Land</td>
<td>11,000</td>
</tr>
<tr>
<td>WI</td>
<td>Fort McCoy</td>
<td>AT/MBQ Billeting Complex, Ph 1</td>
<td>9,800</td>
</tr>
<tr>
<td>WI</td>
<td>Fort McCoy</td>
<td>NCO Academy, Ph 2</td>
<td>10,000</td>
</tr>
<tr>
<td>ZU</td>
<td>Various</td>
<td>Various</td>
<td>30,000</td>
</tr>
</tbody>
</table>

### Navy Reserve and Marine Corps Reserve: Inside the United States

(Amounts Are Specified In Thousands of Dollars)

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
<td>Twentynine Palms</td>
<td>Tunk Vehicle Maintenance Facility</td>
<td>5,991</td>
</tr>
<tr>
<td>LA</td>
<td>New Orleans</td>
<td>Joint Air Traffic Control Facility</td>
<td>16,281</td>
</tr>
<tr>
<td>VA</td>
<td>Williamsburg</td>
<td>Navy Ordnance Cargo Logistics Training Comp</td>
<td>21,346</td>
</tr>
<tr>
<td>WA</td>
<td>Yakima</td>
<td>Marine Corps Reserve Center</td>
<td>13,844</td>
</tr>
<tr>
<td>ZU</td>
<td>Various</td>
<td>Various</td>
<td>15,000</td>
</tr>
<tr>
<td>ZU</td>
<td>Various</td>
<td>Various</td>
<td>15,000</td>
</tr>
</tbody>
</table>
(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Navy for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Navy Reserve and Marine Corps Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $91,557,000.

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.
(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AL</td>
<td>Montgomery Regional Airport (ANG)</td>
<td>Fuel Cell And Corrosion Control Hangar</td>
<td>7,472</td>
<td>7,472</td>
</tr>
<tr>
<td>AZ</td>
<td>Davis Monthan AFB</td>
<td>Predator Foc-Active Duty Associate</td>
<td>4,650</td>
<td>4,650</td>
</tr>
<tr>
<td>CO</td>
<td>Buckley AFB</td>
<td>Taxavary Juliet and Lima</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>DE</td>
<td>New Castle County Airport</td>
<td>Joint Forces Operations Center-ang Share</td>
<td>1,300</td>
<td>1,300</td>
</tr>
<tr>
<td>FL</td>
<td>Jacksonville IAP</td>
<td>Security Forces Training Facility</td>
<td>6,700</td>
<td>6,700</td>
</tr>
<tr>
<td>GA</td>
<td>Savannah/Hilton Head IAP</td>
<td>Relocate Air Supt Ops Sqdn (Assn) Fac</td>
<td>7,450</td>
<td>7,450</td>
</tr>
<tr>
<td>HI</td>
<td>Hickam AFB</td>
<td>F-22 Beddown Infrastructure Support</td>
<td>5,950</td>
<td>5,950</td>
</tr>
<tr>
<td>HI</td>
<td>Hickam AFB</td>
<td>F-22 Hangar, Squadron Operations And Amm</td>
<td>48,250</td>
<td>48,250</td>
</tr>
<tr>
<td>IA</td>
<td>Des Moines IAP</td>
<td>Corrosion Control Hangar</td>
<td>4,750</td>
<td>4,750</td>
</tr>
<tr>
<td>IL</td>
<td>Capital Map</td>
<td>CNAF Beddown-Upgrade Facilities</td>
<td>16,700</td>
<td>16,700</td>
</tr>
<tr>
<td>IN</td>
<td>Hulman Regional Airport</td>
<td>ASOS Beddown-Upgrade Facilities</td>
<td>4,100</td>
<td>4,100</td>
</tr>
<tr>
<td>MA</td>
<td>Barnes ANGB</td>
<td>Add to Aircraft Maintenance Hangar</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>MD</td>
<td>Martin State Airport</td>
<td>Replace Ops and Medical Training Facility</td>
<td>11,400</td>
<td>11,400</td>
</tr>
<tr>
<td>MN</td>
<td>Duluth</td>
<td>Load Crew Training and Weapon Release Shops</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>NC</td>
<td>Stanly County Airport</td>
<td>Upgrade Asos Facilities</td>
<td>2,000</td>
<td>2,000</td>
</tr>
<tr>
<td>NJ</td>
<td>Atlantic City IAP</td>
<td>Fuel Cell and Corrosion Control Hangar</td>
<td>8,500</td>
<td>8,500</td>
</tr>
<tr>
<td>NY</td>
<td>Stewart ANGB</td>
<td>Aircraft Conversion Facility</td>
<td>3,750</td>
<td>3,750</td>
</tr>
<tr>
<td>NY</td>
<td>Fort Drum</td>
<td>Reaper Infrastructure Support</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>NY</td>
<td>Stewart IAP</td>
<td>Base Defense Group Beddown</td>
<td>14,250</td>
<td>14,250</td>
</tr>
<tr>
<td>OH</td>
<td>Toledo Express Airport</td>
<td>Replace Security Forces Complex</td>
<td>7,300</td>
<td>7,300</td>
</tr>
<tr>
<td>PA</td>
<td>State College ANGS</td>
<td>Add to and Alter AOS Facility</td>
<td>4,100</td>
<td>4,100</td>
</tr>
<tr>
<td>SC</td>
<td>McEntire Joint National Guard Base</td>
<td>Replace Operations and Training</td>
<td>9,100</td>
<td>9,100</td>
</tr>
<tr>
<td>TN</td>
<td>Nashville IAP</td>
<td>Renovate Intel Squadron Facilities</td>
<td>5,500</td>
<td>5,500</td>
</tr>
<tr>
<td>ZU</td>
<td>Various IAP</td>
<td>Various</td>
<td>30,000</td>
<td>30,000</td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air National Guard of the United States, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $91,557,000.

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.
(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>FL</td>
<td>Patrick AFB</td>
<td>Weapons Maintenance Facility</td>
<td>3,420</td>
<td>3,420</td>
</tr>
<tr>
<td>NY</td>
<td>Niagara ARS</td>
<td>C-139 Flightline Operations Facility, Ph 1</td>
<td>9,500</td>
<td>9,500</td>
</tr>
<tr>
<td>ZU</td>
<td>Various</td>
<td>Various</td>
<td>30,000</td>
<td>30,000</td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air Force Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $47,332,000.

SEC. 2606. EXTENSION OF AUTHORIZATIONS OF CERTAIN MILITARY CONSTRUCTION ACT OF FISCAL YEAR 2008 PROJECTS.
(a) EXTENSION.—Notwithstanding section 202 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorizations set forth in the table in subsection (b), as provided in sections 2601 and 2604 of that Act (122 Stat. 527, 528), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later:
(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>East Falloufield Township ..........</td>
<td>Readiness Center ...............</td>
<td>$8,300,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>Burlington .........................</td>
<td>Security Improvements ..........</td>
<td>$6,600,000</td>
</tr>
</tbody>
</table>
TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES
Subtitle A—Authorizations


Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $360,474,000 as follows:

(1) For the Department of the Army, $73,600,000.
(2) For the Department of the Navy, $162,000,000.
(3) For the Department of the Air Force, $124,874,000.


Using amounts appropriated pursuant to the authorization of appropriations in section 2701, the Secretary may carry out base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $2,354,285,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2006.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $2,354,285,000 as follows:

(1) For the Department of the Army, $73,600,000.
(2) For the Department of the Navy, $162,000,000.
(3) For the Department of the Air Force, $124,874,000.

TITLE XXVIII—CONSTRUCTION GENERAL PROVISIONS
Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION INFORMATION ON INTERNET.

(a) MODIFICATION OF INFORMATION REQUIRED TO BE PROVIDED.—Paragraph (2) of subsection (c) of section 2831 of title 10, United States Code, is amended—

(1) by striking subparagraph (F); and
(2) by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(b) EXPANDED AVAILABILITY OF INFORMATION.—Such subsection is further amended—

(1) by striking paragraph (3); and
(2) by redesigning paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (1), by striking “that, when activated by a person authorized under paragraph (1), the transportation plan will permit a person” and inserting “that will permit a person”; and
(2) in paragraph (3), as redesignated by subsection (b)(2), by adding at the end of the following:

“Any amounts from the proceeds of the handling and disposal of family housing of a military department transferred to that Fund pursuant to section 2831(e) of this title.”.

SEC. 2802. DURATION OF AUTHORITY TO USE DOD SECURITY INVESTMENT PROGRAM CONTRIBUTIONS FOR NATO SECURITY INVESTMENT PROGRAM.

Section 2806 of title 10, United States Code, is amended—

(1) in subsection (c), by striking “Secretary” the first two places it appears and inserting “Secretary of Defense”; and
(2) by adding at the end the following new subparagraph:

“(D) If the Secretary of Defense determines that construction of facilities described in subsection (a) is necessary to advance United States national security or national interest, the Secretary may include the pre-financing and initiation of construction services, which will be provided by the Department of Defense and are not otherwise authorized by law, as an element of the excess North Atlantic Treaty Organization Security Investment Program contributions made under subsection (c).”.

SEC. 2804. DURATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR CONSTRUCTION AND REPAIRS AT PENTAGON RESERVATION.

Section 2831(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “Monies” and inserting “Subject to paragraph (3), monies”; and
(2) by adding at the end the following new paragraph:

“(2) The authority of the Secretary to use monies from the Fund to support construction, repair, alteration, or related activities for the Pentagon Reservation expires on September 30, 2012.”.

SEC. 2805. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as added by section 2806 of the Military
Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2692), is amended—

(1) in paragraph (1), by striking ‘‘September 30, 2010’’ and inserting ‘‘September 30, 2011’’; and

(2) in paragraph (2), by striking ‘‘fiscal year 2011’’ and inserting ‘‘fiscal year 2012’’.

(b) AVAILABLE TO OFFICE.—Subsection (a)(1) of such section is amended—

(1) by striking ‘‘year,’’ and inserting ‘‘year’’; and

(2) by striking ‘‘, or a contingency operation.’’.

(c) WAIVER OF ADVANCE NOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D); respectively,

(2) by striking ‘‘Before using’’ and inserting ‘‘(1) Before using’’; and

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

‘‘(2) During fiscal year 2011, the Secretary of Defense may waive the prenotification requirements under paragraph (1) and section 2806(b) of title 10, United States Code, with regard to a construction project carried out under the authority of this section. In the case of any such waiver, the Secretary of Defense shall include in the next quarterly report submitted under subsection (b) of section 2856 the following information in advance by subparagraphs (A) through (D) of paragraph (1) with regard to the construction project.’’.

(d) ANNUAL LIMITATION ON USE OF AUTHORITY IN AFGHANISTAN.—Subsection (c)(2) of such section is amended—

(1) by striking ‘‘$300,000,000 in funds available for operation and maintenance for fiscal year 2010 may be used in Afghanistan upon completing the prenotification requirements under subsection (b)’’ and inserting ‘‘$100,000,000 in funds available for operation and maintenance for fiscal year 2011 may be used in Afghanistan subject to the notification requirements under subsection (b)’’; and

(2) by striking ‘‘$500,000,000’’ and inserting ‘‘$300,000,000’’.

SEC. 2806. VETERANS TO WORK PILOT PROGRAM FOR MILITARY CONSTRUCTION PROJECTS.

(a) VETERANS TO WORK PROGRAM.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2856 the following new section:

‘‘§ 2857. Veterans to Work Pilot Program

‘‘(a) PILOT PROGRAM; PURPOSES.—(1) The Secretary of Defense shall establish the Veterans to Work pilot program to—

‘‘(A) the maximum feasible extent to which apprentices who are also veterans may be employed to work on military construction projects designated under subsection (b); and

‘‘(B) the feasibility of expanding the employability of apprentices who are also veterans to include military construction projects in addition to those projects designated under subsection (b).

‘‘(2) The Secretary of Defense shall establish and conduct the pilot program in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

‘‘(b) DESIGNATION OF MILITARY CONSTRUCTION PROJECTS FOR PILOT PROGRAM.—(1) For each of fiscal years 2011 through 2015, the Secretary of Defense shall—

‘‘(A) designate military construction projects that are located where there are veterans employed in qualified apprenticeship programs or veterans who could be enrolled in qualified apprenticeship programs in a cost-effective, timely, and feasible manner; and

‘‘(B) ensure that the full diversity among the States in the military construction projects designated.

‘‘(2) Unspecified minor military construction projects (including unspecified minor military construction projects under section 2806(a) of this title) that will be conducted in that fiscal year.

‘‘(3) Unspecified minor military construction projects designated under this subsection for a fiscal year.

‘‘(c) CONTRACT PROVISIONS.—Any agreement that the Secretary of Defense enters into for a military construction project that is designated for inclusion in the pilot program shall ensure that—

‘‘(1) to the maximum extent feasible, apprentices who are also veterans are employed on that military construction project; and

‘‘(2) contractors participate in a qualified apprenticeship program.

‘‘(d) REPORT.—(1) Not later than 150 days after the end of each fiscal year during which the pilot program is active, the Secretary of Defense shall submit to Congress a report that includes the following:

‘‘(A) The progress of designated military construction projects and the role of apprentices who are also veterans in achieving that progress.

‘‘(B) Any challenges, difficulties, or problems encountered in recruiting veterans to become apprentices.

‘‘(C) Cost differentials in the designated military construction projects compared to similar projects contracted contemporaneously, but not designated for the pilot program.

‘‘(D) Evaluation of benefits derived from employing apprentices, including the following:

‘‘(i) Workforce sustainability.

‘‘(ii) Workforce skills enhancement.

‘‘(iii) Increased short- and long-term cost-effectiveness.

‘‘(iv) Improved veteran employment in sustainable wage fields.

‘‘(E) Any other information the Secretary of Defense determines appropriate.

‘‘(2) Not later than March 1, 2016, the Secretary of Defense shall submit to Congress a report that—

‘‘(A) analyzes the pilot program in terms of its effect on the sustainability of a workforce to meet the military construction needs of the Armed Forces;

‘‘(B) analyzes the effects of the pilot program on veteran employment in sustainable wage fields or professions; and

‘‘(C) makes recommendations on the continuation, modification, or termination of the pilot program on the basis of such factors as the Secretary of Defense determines appropriate, including the following:

‘‘(i) Workforce sustainability.

‘‘(ii) Cost-effectiveness.

‘‘(iii) Community development.

‘‘(3) The United States shall prepare the report required by paragraph (2) in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

‘‘(e) DEFINITIONS.—In this section:

‘‘(1) The term ‘apprentice’ means an individual who is employed pursuant to, and individually registered in, a qualified apprenticeship program.

‘‘(2) The term ‘pilot program’ means the Veterans to Work pilot program established under subsection (a).

‘‘(3) (A) Except as provided in subparagraph (B), the term ‘qualified apprenticeship program’ means an apprenticeship or other training program that qualifies as an employee welfare benefit plan as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001(1)).

‘‘(B) If the Secretary of Labor determines that a qualified apprenticeship program is not operated in the locality of the proposed transaction, the Secretary may waive the requirement that the proposed transaction be directly compatible with the mission of the military installation or Defense Agency at

‘‘(C) Any other information the Secretary of Defense determines appropriate.

‘‘(3) The term ‘veteran’ has the meaning given such term under section 101(2) of title 38.’’

(e) ADDITIONAL REPEAL OF ANNUAL REPORT ON MINOR REAL ESTATE TRANSACTIONS.—Subsection (b) of such section is amended by inserting after the title of such subsection the following:

‘‘(5) The term ‘veteran’ has the meaning given such term under section 101(2) of title 38.’’

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2856 the following:

‘‘2857. Veterans to Work Pilot Program.’’.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO REAL PROPERTY TRANSACTIONS.

(a) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(C) of section 2806(b) of title 10, United States Code, is amended by inserting after ‘‘United States’’ the following:

‘‘(other than a lease or license entered into after section 2866(g) of this title)’’.

(b) REPEAL OF ANNUAL REPORT ON MINOR REAL ESTATE TRANSACTIONS.—Subsection (b) of such section is repealed.

(c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking ‘‘geographic scope’’ and inserting ‘‘geographic scope’’;

(2) by striking the first sentence; and

(3) by striking ‘‘This section does not’’ and inserting ‘‘This section does not’’.

(d) REPEAL OF NOTICE AND WAIT REQUIREMENTS REGARDING GSA LEASES OF SPACE FOR DOD.—Subsection (e) of such section is repealed.

(e) ADDITIONAL REPEAL OF REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—Such section is further amended by inserting after subsection (a) the following new subsection:

‘‘(6) ADDITIONAL REPEAL OF REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States, paragraphs (1) and (2) of subparagraph (A) of subsection (a), the Secretary concerned shall comply with the notice-and-wait requirements of paragraph (3) of such subsection before making a determination to—

‘‘(A) enter into a contract or sublease that contains a lease or license agreement that is directly compatible with the mission of the military installation or Defense Agency at

‘‘(B) a description of the property involved in the transaction, including the proposed duration of the lease or license.

‘‘(C) a description of the authorities to be used in entering into the transaction.

‘‘(D) a determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

‘‘(E) a determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at

‘‘(F) a description of the authorities to be used in entering into the transaction.

‘‘(2) The report under paragraph (3) of such subsection shall include the following with regard to a proposed transaction covered by paragraph (1)(C) of such subsection:

‘‘(A) A description of the proposed transaction, including the proposed duration of the lease or license.

‘‘(B) A description of the authorities to be used in entering into the transaction.

‘‘(C) A description of the basis for the determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at
which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

"(F) A description of the requirements or conditions that the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments-in-lieu-of-taxes, and other development issues related to the request.

"(G) If the proposed lease involves a project related to energy production, a certification by the Secretary of Defense that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the Department of Defense performance goals and plan required by section 2811 of this title.

"(H) The Secretary may not enter into the actual lease or license with respect to property for which the information required by paragraph (2) was submitted in a report under subsection (a)(3) unless the Secretary again complies with the notice-and-comment requirements of such subsection. The subsequent report shall include the following with regard to the proposed transaction:

"(1) A cross reference to the prior report that contained the information submitted under paragraph (2) with respect to the transaction.

"(2) A description of the differences between the information submitted under paragraph (2) and the information regarding the transaction being proposed in the subsequent report.

"(3) A description of the payment to be required with respect to the lease or license, including a description of any in-kind consideration.

"(4) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

"(E) The competitive procedures used to select the lessee or, in the case of a lease involving the public benefit authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

(f) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking "the Secretary submits" in the matter preceding the subsequent report.

(2) in paragraph (3), by striking "the Secretary of a military department or the Secretary concerned submits"; and

(3) in subsection (f), as redesignated—

(A) in paragraph (1), by striking "", and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection;"

(B) in paragraph (3), by striking "or (e), as the case may be"; and

(C) by striking paragraph (4); and

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

"(g) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' includes, with respect to Defense Agencies, the Secretary of Defense.

(h) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4); and

(2) in subsection (d), by striking paragraph (6).

(i) in subsection (e)(1), by striking subparagraph (A); and

(j) in subsection (h), by striking paragraphs (3) and (5); and

SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM LEASES OF NON-EXCESS PROPERTY INVOLVING MILITARY MUSEUMS.

Section 2667(e)(1) of title 10, United States Code, as amended by section 1053 of the John Warner National Defense Authorization Act for Fiscal Year 2010, is amended by inserting after subparagraph (D) the following new subparagraph:

"(E) If the proceeds deposited in the special account established for the Secretary of Defense by section 2667(e)(1) of such title, the proceeds shall be available for activities described in subparagraph (C) only at that museum.".

SEC. 2813. REPEAL OF EXPIRED AUTHORITY TO LEASE LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) REPEAL.—Section 2630 of title 10, United States Code, is repealed.

(b) EFFECT OF REPEAL.—The amendment made by subsection (a) shall not affect the validity of any contract entered into under section 2630 of title 10, United States Code, on or before September 30, 2005.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2630.

SEC. 2814. FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense—

(1) may provide for the removal of any unexploded ordnance and munitions scrap on that portion of Flamenco Beach located within the former bombardment area of the island; and

(2) shall conduct a study relating to the presence of unexploded ordnance in the former bombardment area transferred to the Commonwealth, with the exception of the area referred to in paragraph 1.

(b) CONTENTS OF STUDY.—The study required by subsection (a)(2) shall include the following:

(1) An estimate of the type and amount of unexploded ordnance.

(2) An estimate of the cost of removing unexploded ordnance.

(3) An examination of the impact of such removal on any endangered or threatened species and their habitat.

(4) An examination of current public access to the area for public and historic purposes.

(5) An examination of any threats to public health or safety and the environment from unexploded ordnance.

(6) CONSULTATION WITH COMMONWEALTH.—In conducting the study under subsection (a)(2), the Secretary of Defense shall consult with the Commonwealth regarding the Commonwealth’s planned future uses of the former bombardment area. The Secretary shall consider the Commonwealth’s planned future uses in developing any conclusions or recommendations the Secretary may include in the study.

(d) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a)(2).

(e) DEFINITIONS.—In this section:

(1) the term "quitclaim deed" refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the President and the Secretary of Defense on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) the term "unexploded ordnance" has the meaning given that term by section 101(e)(5) of title 10, United States Code.

Title 8—Militaryunic 9—National Security

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. SENSE OF CONGRESS REGARDING IMPORTANCE OF PROVIDING COMMUNITY ADJUSTMENT ASSISTANCE TO GOVERNMENT OF GUAM.

It is the Sense of Congress that—

(1) for national security reasons, the United States may be required from time to time to construct major, new military installations despite the serious adverse impacts that the installations will have on the communities and the areas in which the installations will be located.

(2) neither the impacted local governments nor the communities in which the installations are constructed should be expected to bear the full costs and burdens of accommodating such installations;

SEC. 2822. DEPARTMENT OF DEFENSE ASSISTANCE FOR COMMUNITY ADJUSTMENT ACTIVITIES RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—

The Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the “Guam realignment”) if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Decision of the “Guam and CNMI Military Relocation Environmental Impact Statement” by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) METHODS TO PROVIDE ASSISTANCE.—

(1) USE OF EXISTING PROGRAMS.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs.

(2) TRANSFER AUTHORITY.—To the extent necessary to carry out subsection (a), the Secretary may transfer appropriated funds available to the Department of Defense or a military department for operation and maintenance funds made available to Guam under a Federal program. The transfer authority provided by this paragraph is in addition to the transfer authority provided by section 1021.

Amounts so transferred shall be merged with and be available for the same purposes as the appropriation to which transferred.

(3) COST SHARE ASSISTANCE.—The Secretary of Defense may use appropriated amounts referred to in paragraph (2) to provide financial assistance to the Government of Guam to assist the Government of Guam in paying the share of the costs under Federal programs utilized by the Secretary of Defense under paragraph (1).

(4) LIMITATION ON PROVISION OF ASSISTANCE.—The total cost of the construction of facilities carried out utilizing the authority provided by subsection (a) may not exceed $500,000,000.

(d) SPECIAL CONSIDERATIONS.—In determining the amount of financial assistance to be made available under this section to the Government of Guam for any community facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which the assistance is being made available and shall take into consideration—

(1) the time lag between the initial impact of increased population on Guam and any increase in the local tax base that will result from such increased population;
(2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residents of Guam; and
(3) such other pertinent factors as the Secretary of Defense considers appropriate.

(e) PROGRESS REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives annual reports indicating the total amount expended under the authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(2) DEFINITION.—The authority to provide assistance under subsection (a) expires September 30, 2017. Amounts obligated before that date may be expended after that date.

SEC. 2823. EXTENSION OF TERM OF DEPUTY SECRETARY OF DEFENSE’S LEADERSHIP OVERGUAM OVERSIGHT COUNCIL.

Subsection (d) of section 132 of title 16, United States Code, as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), is amended by striking “September 30, 2015” and inserting “September 30, 2020”.

SEC. 2824. UTILITY CONVEYANCES TO SUPPORT INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM ON GUAM.

(a) CONVEYANCE OF UTILITIES.—The Secretary of Defense may convey to the Guam Watersworks Authority (in this section referred to as the “Authority”) all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Fena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance of the water and wastewater treatment utility systems on Guam, the Authority shall pay to the Secretary of Defense an amount equal to the fair market value of the utility infrastructure to be conveyed, as determined pursuant to an agreement between the Secretary and the Authority.

(2) DEFERRED PAYMENTS.—At the discretion of the Secretary, the Authority may elect to pay the consideration determined under paragraph (1) in equal annual payments over a period of not more than ten years starting with the first year beginning after the date of the conveyance of the water and wastewater treatment utility systems to the Authority.

(3) IN-KIND SERVICES.—The consideration required by paragraph (1) may be paid in cash or in-kind, as acceptable to the Secretary of Defense. Negotiations in consultation with the Secretary of the Interior, shall consider the value of in-kind services provided by the Government of Guam pursuant to section 237b-1 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2781), section 311 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in such Act, and the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, approved by Congress in the Palau Compact of Free Association Act (Public Law 99–654; 100 Stat. 3672).

(c) CONDITION OF CONVEYANCE.—As a condition of the conveyance under subsection (a), the Secretary of Defense must obtain at least a 33 percent voting representation on the Guam Consolidated Management Authority Committee, establishing an integrated water and wastewater service system on Guam.

(d) IMPLEMENTATION REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) Any technical assistance provided under paragraph (1) and information pertaining to any management practice, cooperative agreements, and other agreements entered into pursuant to paragraph (2).

(2) An assessment of water and wastewater systems on Guam, including cost estimates and budget authority, including authorities available under the Acts of June 17, 1902, and June 12, 1906 (popularly known as the Reclamation Act; 43 U.S.C. 391) and other authorities available to the Secretary of the Interior, for financing the design, construction, operation, and maintenance of such systems.

(3) The needs related to water and wastewater infrastructure on Guam and the protection of water resources on Guam identified by the Authority.

SEC. 2825. REPORT ON TYPES OF FACILITIES REQUIRED TO SUPPORT GUAM REALIGNMENT

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the structural integrity of facilities required to support the realignment of military installations and the relocation of military personnel on Guam.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following elements:

(1) An assessment to the realigned forces, including natural and manmade threats.

(2) An evaluation of the types of facilities and the enhanced structural requirements required to deter the threat assessment specified in paragraph (1).

(3) An assessment of the costs associated with the enhanced structural requirements specified in paragraph (2).

SEC. 2826. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS FOR GUAM.

(a) REPORT REQUIRED.—The Secretary of the Interior shall prepare a report—

(1) detailing the civilian infrastructure improvements needed on Guam to directly and indirectly support and sustain the realignment of military installations and the relocation of military personnel on Guam; and

(2) identifying, to the maximum extent practicable, the potential funding sources for such improvements from other Federal departments and agencies and from existing authorities and funds within the Department of Defense.

(b) CONSULTATION.—The Secretary of the Interior shall prepare the report required by subsection (a) in consultation with the Secretary of Defense, the Governor of Guam, and the Intergovernmental Group on the Insular Areas established by Executive Order 13537.

(c) SUBMISSION.—The Secretary of the Interior shall submit the report required by subsection (a) to the congressional defense committees and the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act.

SEC. 2827. COMPTROLLER GENERAL REPORT ON PLANNED REPLACEMENT NAVAL HOSPITAL ON GUAM.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall review and assess the proposed replacement Naval Hospital on Guam to determine whether the size and scope of the hospital will be sufficient to support the current and projected military mission requirements and Department of Defense beneficiary population on Guam.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

Subtitle D—Energy Security

SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUSTAINABLE PRACTICES IN DEPARTMENT ENERGY PERFORMANCE PLAN.

Section 2911(c) of title 10, United States Code, is amended by inserting, in paragraph (4), by inserting “and hybrid-electric drive” after “alternative fuels”; (2) by redesignating paragraph (9) as paragraphs (11) and paragraphs (11) and paragraphs (12) as paragraphs (13) through (21) as paragraphs (22) through (30); (3) by inserting after paragraph (4) the following new paragraph:

“(5) Opportunities for the high-performance construction, lease, operation, and maintenance of buildings;” and

(4) by inserting after paragraph (9) (as redesignated by paragraph (2)) the following new paragraph:

“(40) The value of incorporating electric, hybrid-electric, and high efficiency vehicles into vehicle fleets.”
SEC. 2832. PLAN AND IMPLEMENTATION GUIDELINES FOR ACHIEVING DEPARTMENT OF DEFENSE GOAL REGARDING USE OF VULNERABLE ENERGY TO MEET FACILITY ENERGY NEEDS.

(a) PLAN AND GUIDELINES REQUIRED.—Section 2911(e) of title 10, United States Code, is amended—

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

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

‘‘(2) The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop and implement guidelines for achieving the percentage goal specified in paragraph (1)(A).’’

(b) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the plan and implementation guidelines required by paragraph (2) of section 2911(e) of title 10, United States Code, as added by subsection (a).

SEC. 2833. INSULATION RETROFITTING ASSESSMENT FOR DEPARTMENT OF DEFENSE FACILITIES.

(a) SUBMISSION AND CONTENTS OF INSULATION RETROFITTING ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives a report containing an assessment of—

(1) the number of Department of Defense facilities described in subsection (b); and

(2) the overall cost savings and energy savings to the Department that would result from retrofitting those facilities with improved insulation.

(b) FACILITIES INCLUDED IN ASSESSMENT.—The assessment required in subsection (a) shall apply with respect to each Department of Defense facility the retrofitting of which (as described in such subsection) would result, over the remaining expected life of the facility, in an amount of cost savings that is at least twice the amount of the cost of the retrofitting.

Subtitle E—Land Conveyances

SEC. 2841. CONVEYANCE OF PERSONAL PROPERTY RELATED TO WASTE-TO-ENERGY POWER PLANT SERVING EIELSON AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Fairbanks North Star Borough, Alaska (in this section referred to as the ‘‘Borough’’), personal property acquired by the Air Force for the Alaska Waste-to-Energy Project, as described in paragraph (1), including the Personal Property described in subsection (d) and any improvements and energy savings to the Department that would result from retrofitting those facilities with improved insulation.

(b) SUBMISSION OF APPLICATION.—The Secretary may convey to the Borough the property described in subsection (a) upon acceptance of an application signed by the Borough in a form determined by the Secretary of the Air Force.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall include a condition that expressly prohibits any use of the property that would interfere with or otherwise restrict the performance of the Department’s mission at Eielson Air Force Base.

(d) TIMING.—The authority provided in subsection (a) shall apply with respect to each Department of Defense facility the retrofitting of which (as described in such subsection) would result, over the remaining expected life of the facility, in an amount of cost savings that is at least twice the amount of the cost of the retrofitting.
be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(f) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance as the Secretary determines necessary to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2851. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES.

(u) UNIFIED CONSTRUCTION STANDARD FOR MILITARY CONSTRUCTION AND REPAIRS TO MILITARY MEDICAL FACILITIES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish a unified construction standard for military construction and repairs for military medical facilities that provides a single standard of care. This standard shall also include a size standard for operating rooms and patient recovery rooms.

(b) INDEPENDENT REVIEW PANEL.—

(1) ESTABLISHMENT: PURPOSE.—The Secretary of Defense shall establish an independent advisory panel for the purpose of—

(A) advising the Secretary regarding whether the Comprehensive Master Plan for the National Capital Region Medical, dated April 2010, is adequate to fulfill statutory requirements, as required by section 2841(b) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2568), to ensure that the facilities and organizational structure described in the plan result in world class military medical facilities in the National Capital Region;

(B) monitoring the implementation and any subsequent modifications of the master plan referred to in subparagraph (A); and

(C) making recommendations regarding any adjustments of the master plan referred to in subparagraph (A) that are necessary to ensure the provision of world class military medical facilities and delivery system in the National Capital Region;

(2) MEMBERS.—

(A) APPOINTMENTS BY SECRETARY.—The panel shall be composed of such members as determined by the Secretary of Defense, except that the Secretary shall include as members—

(i) medical facility design experts;

(ii) military healthcare professionals;

(iii) representatives of world class medical facilities in the United States; and

(iv) former senior military officers with joint operational and budgetary experience.

(B) COCONUTS.—The chairmen and ranking members of the Committees on Armed Services of the Senate and House of Representatives may each designate one member of the panel.

(C) TERM.—Members of the panel may serve on the panel until the termination date specified in paragraph (7).

(D) COMPENSATION.—While performing duties on behalf of the panel, a member and any advisor referred to in paragraph (4) shall be reimbursed under Government travel regulations for necessary travel expenses.

(E) MEETINGS.—The panel shall meet not less than twice each year.

The newly constructed Armed Forces Reserve Center in Middletown, Connecticut, shall be known as the "Major General Maurice Rose Armed Forces Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Maurice Rose Armed Forces Reserve Center" shall be deemed to be a reference to the Major General Maurice Rose Armed Forces Reserve Center.

TITLE XIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Subtitle A—Fiscal Year 2010 Projects

SEC. 2901. AUTHORIZED ARMED FORCES CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorized of appropriations specified for the projects, set forth in the following table:

<table>
<thead>
<tr>
<th>Overseas Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Project Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Operational Facilities</td>
<td>80,100</td>
</tr>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Supporting Activities</td>
<td>62,900</td>
</tr>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Utility Facilities</td>
<td>52,600</td>
</tr>
</tbody>
</table>
(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $245,050,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $19,040,000.

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Supply Facilities</td>
<td>24,550</td>
</tr>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Operational Facilities</td>
<td>220,500</td>
</tr>
</tbody>
</table>

Subtitle B—Fiscal Year 2011 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Supply Facilities</td>
<td>199,800</td>
</tr>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Operational Facilities</td>
<td>283,000</td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $78,330,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $49,584,000.

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Supply Facilities</td>
<td>203,000</td>
</tr>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Operational Facilities</td>
<td>7,400</td>
</tr>
</tbody>
</table>

SEC. 2912. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Authorization of Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Supply Facilities</td>
<td>7,100</td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $30,700,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $13,422,000.

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Purpose of Project</th>
<th>Authorization of Appropriations</th>
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<tbody>
<tr>
<td>AF</td>
<td>Various Locations</td>
<td>Supply Facilities</td>
<td>7,100</td>
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</table>
(b) AUTHORIZATION OF APPROPRIATIONS.—
(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby appropriated for fiscal years beginning after September 30, 2010, in the total amount of $41,900,000.

(2) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design authorized by section 2807 of title 10, United States Code, funds are hereby appropriated for fiscal years beginning after September 30, 2010, in the total amount of $4,600,000.

SEC. 2914. CONSTRUCTION AUTHORIZATION FOR NATIONAL SECURITY AGENCY FACILITIES IN A FOREIGN COUNTRY.

Of the amounts authorized to be appropriated by this subtitle, the Secretary of Defense may use not more than $46,500,000 to plan, design, and construct facilities in a foreign country for the National Security Agency.

Subtitle C—Other Matters

SEC. 2921. NOTIFICATION OF OBLIGATION OF FUNDS AND QUARTERLY REPORTS.

(a) NOTIFICATION OF OBLIGATION OF FUNDS.—(1) NOTICE AND WAIT REQUIREMENT.—Before using appropriated funds to carry out a construction project outside the United States that is authorized by section 2901, 2902, 2901, or 2912 and has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a notification concerning the content of such project.

(b) CONTENTS OF NOTICE.—The notice for a construction project covered by subsection (a) shall include the following:

(i) Certification that the construction project is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces;

(ii) A description of the purpose for which appropriated funds are being obligated;

(iii) All relevant documentation detailing the construction project.

(d) An estimate of the total amount obligated for the construction project.

(b) QUARTERLY REPORTS.—(1) REPORT REQUIRED.—Not later than 45 days after the end of each fiscal-year quarter during which appropriated funds are obligated or expended to carry out construction projects outside the United States that are authorized by section 2901, 2902, or 2912, the Secretary of Defense shall submit to the congressional defense committees a report on the worldwide obligation and expenditure during that quarter of appropriated funds for such construction projects.

(2) PROJECT AUTHORITY CONTINGENT ON SUBMISSION OF REPORTS.—The ability to use section 2901, 2902, or 2912 as authorities to obligate funds for a fiscal year to obligate appropriated funds available to carry out construction projects outside the United States shall commence for that fiscal year only after the date on which the Secretary of Defense submits to the congressional defense committees all of the quarterly reports (if any) that were required under paragraph (1) for the preceding quarter.

(c) LIMITATION ON TRANSFER AUTHORITY.—If the Secretary of the Army or the Secretary of the Air Force determines that amounts appropriated pursuant to the authorization of appropriation in section 2901, 2902, 2911, or 2922 are required for any construction project that will cause obligations to exceed any of the category amounts specified in this title or for a construction project that is not within the scope of the category, the Secretary shall notify the congressional defense committees of this determination at least 14 days before obligating funds for the project.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby appropriated to be appropriated to the Department of Energy for fiscal year 2011 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $11,214,755,000, to be allocated as follows:

(1) For weapons activities, $7,068,835,000.

(2) For defense nuclear nonproliferation activities, $2,647,810,000.

(3) For naval reactors, $1,070,486,000.

(4) For the Office of the Administrator for Nuclear Security, $448,267,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a), the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 11-D-001, reinvestment project phase 2, Los Alamos National Laboratory, Los Alamos, New Mexico, $23,300,000.

Project 11-D-002, sanitary effluent treatment plant extension, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANSUP.

Funds are hereby appropriated to be appropriated to the Department of Energy for fiscal year 2011 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,588,039,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby appropriated to be appropriated to the Department of Energy for fiscal year 2011 for other defense activities in carrying out programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. ENERGY SECURITY AND RELATED TO THE INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAMS OF THE DEPARTMENT OF ENERGY.


SEC. 3112. ENERGY PARKS INITIATIVE.

(a) IN GENERAL.—Subtitle B of title XVIII of the Energy Security and Biofuels Act of 2007 (Public Law 110–140; 42 U.S.C. 17332 et seq.) is amended by adding at the end the following:

“SEC. 4815. ENERGY PARKS INITIATIVE.

“(a) IN GENERAL.—The Secretary of Energy may facilitate the development of energy parks described in subsection (b) on defense nuclear facility reuse property with the use of collaborative partnerships with State and local governments, the private sector, and community reuse organizations approved by the Secretary.

“(b) ENERGY PARKS.—Energy parks described in this subsection is a facility (or group of facilities) developed for the purpose of—

“(1) promoting energy security, environmental sustainability, economic competitiveness, and energy sector jobs; and

“(2) encouraging pilot programs, demonstration projects, or commercial projects, at or near such facility, with respect to energy generation, energy efficiency, and advanced manufacturing technologies that will contribute to a stabilization of the atmospheric greenhouse gas concentration through the reduction, avoidance, or sequestration of energy-related emissions.

“(c) INFRASTRUCTURE.—In facilitating the development of an energy park under this section, the Secretary shall—

“(1) use existing infrastructure, facilities, utilities, and other assets in the vicinity of the energy park; and

“(2) ensure that such energy park does not interfere with the Secretary’s other responsibilities for defense nuclear facility reuse property.

“(d) REPORT.—Not later than December 31, 2011, the Secretary shall submit to the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate a report on steps taken to facilitate the development of energy parks under this section.

“(e) DEFINITIONS.—In this section:


“(2) The term ‘defense nuclear facility reuse property’ means property that—

“(A) is located at a defense nuclear facility; and

“(B) the Secretary of Energy determines—

“(i) has been adequately remediated by the Secretary of Energy; and

“(ii) is ready for use as an energy park.”;

(b) CLERICAL AMENDMENT.—The table of contents in section 4801(b) of such Act (division D of Public Law 110–137; 42 U.S.C. 17332) is amended by inserting after the item relating to section 4814 the following new item:

“Sec. 4815. Energy parks initiative.”.

SEC. 3113. ESTABLISHMENT OF TECHNOLOGY TRANSFER CENTERS.

(a) TECHNOLOGY TRANSFER CENTERS.—
(1) In general.—Section 4813 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2794) is amended—
   (A) by redesignating subsection (b) as subsection (c); and
   (B) by inserting after subsection (a) the following new subsection:

   (2) TECHNOLOGY TRANSFER CENTERS.—(1) Subject to the availability of appropriations provided for such purpose, the Administrator shall establish technology transfer centers in accordance with paragraph (2) at each national security laboratory.

   (2) A technology transfer center described in this paragraph is a center to foster collaborative scientific research, technology development, and the appropriate transfer of research and technology among users in addition to the national security laboratories.

   (3) In establishing a technology transfer center under this subsection, the Administrator—

   (A) shall enter into cooperative research and development agreements with governmental, public, academic, or private entities; and
   (B) may enter into a contract with respect to constructing, purchasing, managing, or leasing buildings or other facilities.

(2) DEFINITION.—Subsection (c) of such section, as redesignated by paragraph (1)(A), is amended by adding at the end the following new paragraph:

   “(ii) to what extent deferred and backlogged maintenance;”

   “(iii) whether such program achieved its mission;”

   “(iv) whether the reauthorization of such program would further the goal of modernizing and refurbishing the nuclear security complex.”

   (2) Not later than 180 days after the date on which the Administrator submits the plan and assessment under subsection (a), the Comptroller General shall submit to the congressional defense committees a report on the implementation of the national nuclear security program and the nuclear security protections under section (1) including—

   (A) the findings of the study under paragraph (1)
   (B) whether the plan and assessment submitted under subsection (a) support each element under subsection (b); and
   (C) the role of the United States Strategic Command in making an assessment under subsection (c).

   (3) Not later than 90 days after the date on which a budget is submitted to Congress during an even-numbered fiscal year, the Comptroller General shall submit to the congressional defense committees an update to the previous study under paragraph (1) taking into account the nuclear security budget materials included with such budget.

SEC. 3112. REPORT ON GRADED SECURITY PROTECTION POLICY.

(1) Report.—Not later than February 1, 2011, the Secretary of Energy shall submit to the congressional defense committees a report on the implementation of the graded security protection policy of the Defense Nuclear Facilities Safety Board.

(2) Matters included.—The report required by subsection (a) shall include the following:

   (A) A comprehensive plan and schedule (including any benchmarks, milestones, or other deadlines) for implementing the graded security protection policy.
   (B) An explanation of the current status of the graded security protection policy for each site with respect to the comprehensive plan under paragraph (1).
   (C) An explanation of the Secretary’s objective end-state for implementation of the graded security protection policy such end-state shall include supporting legislation and rationale to ensure that robust and adaptive security measures meet the graded security protection policy requirements.
   (D) Identification of each site that has received an exception or waiver to the graded security protection policy, including the justification for each such exception or waiver.
   (E) A schedule for “force-on-force” exercises that the Secretary considers necessary to maintain operational readiness.
   (F) A report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE XXV.—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2011, $28,640,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2266 et seq.).

TITLE XXX.—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy—

   (1) $23,614,000 for fiscal year 2011 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.
   (2) Period of availability.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended for the purposes of Program for fiscal year 2011 or thereafter, for a fiscal year; and

   (b) VESSEL LOAN GUARANTEES: PROCEDURES FOR TRADITIONAL AND NON-TRADITIONAL APPLICATIONS.

   (a) DEFINITIONS.—Section 53701 of title 46, United States Code, is amended—

   (1) by inserting "The Secretary" before "the Secretary;"
(1) by redesignating paragraph (14) as paragraph (16);
(2) by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively;
(3) by inserting after paragraph (8) the following new paragraph:
"(9) TRADITIONAL APPLICATION.—The term ‘nontraditional application’ means an application for a loan, guarantee, or commitment to guarantee under this chapter that is not a traditional application, as determined by the Administrator.;” and
(4) by inserting after paragraph (14), as so redesignated, the following new paragraph:
"(15) TRADITIONAL APPLICATION.—The term ‘traditional application’ means an application for a loan, guarantee, or commitment to guarantee under this chapter that involves a market, technology, and financial structure of a type that has proven successful in previous applications and does not present an unreasonable risk to the United States, as determined by the Administrator.;”

(b) DEADLINE FOR DECISION ON APPLICATION; EXTENSION.—Section 53708(a) of title 46, United States Code, is amended—
(1) by amending paragraph (1) to read as follows:
“(1) IN GENERAL.—The Secretary or Administrator shall approve or deny an application for a loan guarantee under this chapter—
“(A) in the case of a traditional application, before the end of the 90-day period beginning on the date on which the signed application is received by the Secretary or Administrator; and
“(B) in the case of a nontraditional application, before the end of the 120-day period beginning on such date of receipt.;” and
(2) by redesignating paragraph (9) as paragraph (10); and
(3) in paragraph (10), by striking “the 270-day period in paragraph (1) to a date not later than 2 years” and inserting “the applicable period under paragraph (1) to a date that is not later than 2 years after the date on which the signed application was received by the Secretary or Administrator.;”

(c) INDEPENDENT ANALYSIS.—Section 53708(d) of title 46, United States Code, is amended by striking “an application” and inserting “a nontraditional application”;

(d) APPLICATION.—The amendments made by this section shall apply only to applications submitted after the date of enactment of this Act.

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 2011 for the 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.”

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 111–498 and amendments en bloc described in section 3 of House Resolution 1494.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered, if debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

It shall be in order at any time for the chair of the committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendments.

Amendments en bloc shall be considered read, except that modifications shall be in order for 20 minutes, equally divided and controlled by the chair and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a general perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in the amendments en bloc is entitled to offer a written statement concerning the amendment immediately after disposition of the amendments en bloc.

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or his designee announces from the floor a request to that effect.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–498.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk, amendment No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 172, lines 10, 11: of an enlisted member of the Armed Forces and insert “of a candidate.”
Page 172, beginning line 12, strike “member,” and insert “candidate.”
Page 172, line 15, insert after “(1)” the following: “an enlisted member of the Armed Forces and.”
Page 401, line 5, strike “or later.”
Page 437, strike line 19 and all that follows through page 438 and redesignate subsequent sections accordingly.
Page 663, in the table above line 1, in the column titled “Location,” strike “Miami” and insert “North Fort Myers,” strike “West Palm Beach” and insert “Fort Myers,” strike “Tallahassee” and insert “Tallahassee,” strike “Kansas City” and insert “Belton,” strike “Dallas” and insert “Denton,” and strike “Virginia Beach” and insert “Fort Story.”
Page 670, lines 1 and 2, strike “NATIONAL SECURITY AGENCY” and insert “DEPARTMENT OF DEFENSE” (and conform the table of contents in section 101 to reflect such designation).

The Acting CHAIR. Pursuant to House Resolution 1494, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague, the gentlewoman from Massachusetts (Ms. Tsongas).

Ms. TSONGAS. Thank you, Mr. Chairman, for yielding and for your leadership on this important legislation.

I rise in support of the Fiscal Year 2011 National Defense Authorization Act and the accompanying manager’s amendment.

This bipartisan legislation supports the ongoing efforts of our Armed Forces to keep our country safe, to maintain our resolve against extremism, and to sustain nuclear weapons nonproliferation.

It provides our men and women with the crucial tools they need to protect our country and to effectively find and hold accountable those who wish us harm. Equally as important, the NDAA includes protections for our service members, such as lighter weight body armor that will keep our service members safe but will lighten the burden we ask them to carry.

This bill also expands legal rights for servicemembers who have been victims of sexual assault, and it improves training related to the prevention of and to the response to this crime. I also look forward to the pending overdue renewal of Don’t Ask, Don’t Tell.

The unanimous support that this bill received in committee is a testament to our continued commitment to provide the technology, equipment, and manpower required to protect our country at all times.

I urge my colleagues to support H.R. 5136.

The Acting CHAIR. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 1 minute to my friend and colleague, a gentleman who has made a tremendous contribution to our committee already in the area of nuclear weapons, the gentleman from New Mexico (Mr. HENRICH).

Mr. HENRICH. Mr. Chairman, I strongly support this amendment, which improves and perfects strong underlying legislation to keep the American people safe and to spur economic growth in places like central New Mexico.

The bill, as amended, will expand TRICARE coverage to include dependent children up to the age of 26, something our troops and military families deserve. It also provides our military with the cutting-edge resources that they need to defend our Nation.

Many of these advancements originate in central New Mexico at Kirtland Air Force Base and at Sandia National Laboratories. For example, the operationally Responsive Space satellite program and the Airborne Laser Test Bed will both receive greater resources to accomplish their important missions, and the bill will authorize a secure microgrid energy pilot program on a military installation to advance our goal of energy security and independence.
This bill is a true reflection of our 21st century military strategy for keeping Americans safe, and I urge my colleagues to support the amendment and the underlying legislation.

Mr. McKEON. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, for the benefit of the House, we will be calling several speakers.

Mr. Chairman, I yield 1 minute to our friend and colleague who has been a leader on port security issues here in the country, who has worked very hard on them, the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 5316. I want to thank Chairman SKELETON, the committee, and all of the staff that have brought us to this point.

Having been in Afghanistan and Iraq, I strongly agree that this bill will help us to restore and enhance the readiness of our troops. But with the limited time that I have to speak, I would like to focus on one part of the amendment today, and that is my amendment that would allow the Transportation Command to update and expand its Port Look 2008 strategic seaports study. This study remains a crucial tool to ensure that our ports remain ready to respond in the case of an emergency, and, worse, an attack.

My amendment would expand the scope of the report to include the consideration of infrastructure in the vicinity of strategic ports, including bridges, roads, and rail capacity. We must recognize the importance of our troops immediately and get the resources that they need.

I stand to say something that I have said before: “The role of our ports is to connect the dots.” If the transportation systems and infrastructure in and around our strategic ports are deficient, the ability of our ports to fulfill their readiness would fail.

I stand in support of this amendment.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. DJOU), a new Member that will be serving on our committee that we are really happy to hear from at this time.

Mr. DJOU. Mr. Chairman, I rise in support of H.R. 5316, the fiscal year 2011 Defense Authorization Act, as approved unanimously by the Armed Services Committee. I am pleased today to give my first substantive speech as a Member of the U.S. House of Representatives.

It is a great honor to speak on the Defense Authorization Act, not only as a Member of Congress, but also as the Member who represents Hawaii’s First Congressional District, the home of the U.S. Pacific Command, and speaking also, of course, as an Army Reservist. It is also my honor to be speaking on this measure the week before Memorial Day.

To defend America, we need the best-trained and best-equipped United States Armed Forces. I am pleased this bill attempts to ensure that the Department of Defense is fully equipped and well prepared to fight all of our current and future battles on behalf of our Nation.

I am pleased to support this particular resolution, which contains important measures for the Pacific Command, particularly, of course, for myself, representing Hawaii’s First Congressional District, home of the United States Navy’s Pacific Fleet, the U.S. Air Force’s Pacific Air Force, and the 25th Infantry Division of the United States Army.

These measures and provisions contained in here will help defend the United States and the Asia-Pacific region from the looming threats to our national security, in particular the region right now in the Korean Peninsula, which I believe deserves our Nation’s critical attention.

I am happy also to support the Republican efforts to deploy a comprehensive missile defense system. As the Representative from Hawaii, the one region which is in the flight arc of North Korea’s ballistic missiles, this is an important development and something that I encourage the United States Congress to continue to develop further.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 1 minute to my friend, the gentleman from California (Mr. MCNERNEY), who has worked very hard on the issue of special combat pay for those facing the fierce actions we are engaged in.

Mr. MCNERNEY. Mr. Chairman, last year I was in Afghanistan. Some para-troopers were transporting me outside the city of Kandahar, and one of them stopped and turned to me and said, Are you a Congressman? I said yes. He said, Can you help us? We haven’t had a pay raise in 10 years. I said, Can I help you? You bet I can.

Upon returning, I introduced the COMBAT Act to increase specialty pay for troops serving overseas and separating within the past several months. I have worked to incorporate hostile fire, imminent danger, and family separation allowance pay increases into the 2011 National Defense Authorization Act. This increase will help hundreds of thousands of servicemembers and their families.

Our servicemembers and their families have made enormous sacrifices to keep us safe. They deserve this pay raise, and I am proud to see that the increases are included in the 2011 defense authorization.

Thank you, Mr. Chairman, for your efforts, and for working with me on this issue, and for all the work that you have done for our Armed Forces. I support this important legislation.

Mr. McKEON. I yield myself the balance of my time.

Mr. Chairman, many of the Members on our side have been talking about the Murphy Amendment that will be coming up later today. We were concerned that we were only given 10 minutes to debate that amendment, something that will be very far-reaching, very important to all of the members of the armed services and to the country. I would like to talk just a little bit about the process that we have been going through this year.

Earlier this year, the President, in his State of the Union speech, told the Nation that he wanted to see Don’t Ask, Don’t Tell repealed by the end of the year. The Secretary, in responding to the President’s message, put a process in place, a process that would give to the Congress a report covering many issues.

In March, the Secretary selected General Ham and Jeh Johnson, Defense Counsel for the Defense Department, two very good men, men of high integrity, men that have taken this responsibility very seriously. I met with them and talked about the process, about what they were going to do, how they would work to make it fair.

This month, just a couple of weeks ago, they have let a contract to Westat, a Rockville-based firm that has done survey work for the Defense Manpower Data Center to conduct surveys on military personnel, military spouses, and the comprehensive review working group. They have set their criteria on how they are going to move forward on this survey.

They will sample 350,000 members of the military and their families. They will survey 100,000 active duty military, 70,000 of their spouses, 100,000 of the Reserve component military, and 80,000 of their spouses. The sample size will be dictated by randomized statistically valid responses from various subelements of each component. Servicemembers will be asked to respond by mid-July, spouses by the end of August. They will develop and identify the sample of servicemembers and spouses.

I specifically asked them if they would reach out to make sure that all members were represented, which is what they are going to do. They are going to set up a system whereby members of the military who may be homosexual will be able to have their feelings known and keep their confidence. That report, as they have been set out now to work on, will reach out to the military.

They will then report back to us no later than the first of December, and at that point we are asked to move forward.

I have a letter here from Secretary Gates that says in part, I believe in the strongest possible terms that the department must, prior to any legislative
action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive, comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

Mr. Chairman, I decline for the RECORD the entire letter from Admiral Mullen and Secretary Gates.

THE SECRETARY OF DEFENSE,

Hon. Ike SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the so-called “Don’t Ask Don’t Tell” statute prior to the completion of this vital assessment process that seeks to change this policy prior to our military’s opportunity to inform us of their concerns, in an attentive, comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions as we carry out this change successfully.

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so, until we have a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive, comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER) to talk about his ideas to help improve health care for those who serve in our National Guard.

Mr. SCHRADER. Mr. Chairman, I am here offering an amendment in the Defense reauthorization bill for 2011 because of some of the treatment that Oregon, Washington, California, Arizona, Nevada, Maryland, and Vermont Guardsmen may have received when they got back from tours in Iraq and Afghanistan this spring.

The National Guard and the Army have been fighting side-by-side through nearly 9 years of war. It is time legally to make a full assessment of the treatment our National Guard soldiers receive when they get home.

My first amendment directs the Department of Defense Inspector General to report to Congress by the end of the year on the treatment and medical care our National Guard soldiers receive in comparison to regular Army.

The second amendment requires the Secretary of Defense to provide each member of the National Guard with a clear and comprehensive statement of the medical care and treatment they are entitled to receive. When they are in theater, the Army makes no distinction between the National Guard, Army Reserves, and regular Army soldiers. There should be no distinction in the care when they return home.

I ask the House to continue this work by supporting my amendments.

Mr. ANDREWS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chair, I demand a recorded vote.

AMENDMENT NO. 2 OFFERED BY MR. BARTLETT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–498.

Mr. BARTLETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Pursuant to the amendment offered by the gentleman from Missouri, the question is on the amendment offered by the gentleman from Missouri (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. I ask the House to continue this work by supporting the amendment.

Mr. ANDREWS. Mr. Chair, I rise in support of the amendment. It is a well-thought-out amendment that will encourage competition, which will be a service to the servicemembers of our country, as well as to our taxpayers. We thank the gentleman from Maryland for offering it and would urge Members to support it.

Mr. BARTLETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Pursuant to the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The amendment was agreed to.

Mr. ANDREWS. Mr. Chair, pursuant to section 3 of House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 5336 in the Committee of the Whole and following consideration of Amendment No. 2, printed in House Report 111–498, the following amendments be considered: en bloc No. 3, followed by en bloc No. 4.

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–498.

Mr. SMITH of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Pursuant to the amendment offered by the gentleman from Maryland (Mr. BARTLETT), the question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, we have noted two concerns relative to the Army Reserve line-haul tractors. The first concern is that they are procuring these tractors sole-source, without the benefits and advantages of full and open competition; and, secondly, their procurement is way, way, behind the need. They are in fact about 1,000 tractors short. So I have a very simple amendment which addresses these two concerns. It is two amendments:

(A) Congressional encouragement of full and open competition. Congress encourages the Secretary of the Army to use full and open competition for the M915 tractor-trailer program beginning in fiscal year 2012; and,

(B) Report. Not later than February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on line-haul tractors, including the courses of action that would accelerate meeting the line-haul tractor requirement of the Army Reserve.

We have vetted this with the Army Reserves, Mr. Chairman, and they are in support of it. I encourage a “yes” vote on this.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chair, I rise to claim the time in opposition, although I do not oppose the amendment.

Mr. ANDREWS. Mr. Chair, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–498.

Mr. ANDREWS. Mr. Chair, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

Mr. ANDREWS. Mr. Chair, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

Mr. ANDREWS. Mr. Chair, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The amendment was agreed to.

Mr. ANDREWS. Mr. Chair, pursuant to section 3 of House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 5336 in the Committee of the Whole and following consideration of Amendment No. 2, printed in House Report 111–498, the following amendments be considered: en bloc No. 3, followed by en bloc No. 4.
The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chairman, I rise to offer an amendment regarding military family leave. This committee and this body has, in the past great actions to make sure that our military families, when they’re deployed, they have and do qualify for the Military Family Leave Act. Unfortunately, there are some specifics of the military family—sorry, of the Family Leave Act—that leave out some of our military personnel when they are deployed because of the jobs that they have. They do not qualify for the existing Family Leave Act. With this amendment does it makes sure that all military personnel, even if they don’t qualify for the Family and Medical Leave Act, will have the ability to take at least 2 weeks of unpaid leave when a servicemember receives a notification or order to active duty in support of a contingency operation or is deployed in connection with such an operation.

One of the things that we’ve really struggled to deal with is the amount that we have asked of the members of the Guard and Reserve. They have been deployed far more since 9/11 than they ever were before, and that has a tremendous impact on their families.

Now, the Guard and Reserve has performed an unbelievable service to this country. Every time I travel abroad, go to Iraq and Afghanistan and meet members of the Guard and Reserve who are serving over there, I come away enormously impressed with their immense dedication and the job they’re doing on our behalf. They continue to do it. They continue to sign up. Recruitment and retention are at all-time highs. They are absolutely committed to serving this country.

But they also need our help and support because members of the Guard and Reserve typically have families and jobs here at home, and that is disrupted every time they’re called up and sent overseas. That’s the only way that we can help them deal with that disruption, by making sure that their loved ones qualify for the Family Medical Leave Act.

This would be unpaid leave, but it would make sure that they have the time to help support their loved one who is being deployed.

I ask the body to support this amendment.

Mr. Chair. I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I do not oppose the amendment.

Mr. Chair, I reserve the balance of my time.
The Secretary said, prior to any legislative action, the military should be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change, develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

I'm inserting some of my own language now. I would like to say that we will take a vote on an amendment later today without having the value and the important information that would come from this, without being able to act in a most informed and effective manner.

The Secretary goes on to say a critical element of this effort is the need to systematically engage our forces, their families and the broader military community throughout the process. Our military must be afforded the opportunity to express their concerns, insights, and suggestions if we are to carry out this change successfully. Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process.

Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that, in essence, their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Now, Mr. SHELTON, chairman of the committee, spoke to the Secretary 2 days ago, and the Secretary said, I stand by my letter.

Next I have a letter from Admiral Roughead, Chief of Naval Operations. I spoke to each of the chiefs day before yesterday, I believe it was, on May 26, and he sent a letter, part of which says, I share Secretary Gates' view of Secretary Gates that the best approach would be to complete the DOD review before there's any legislation to change the law. My concern is that legislative changes, at this point, regardless of the precise language used, may cause confusion on the status of the law in the fleet and disrupt the review process itself by leading sailors to question whether their input matters.

Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

The admiral told me he was very concerned about what it would do in the force, the confusion that would be caused, and losing the credibility, actually, of him and his colleagues, because they have gone out. Based on what the President said, based on what the Secretary said earlier this year, they have gone to the force and told them they would consider an amendment, and it breaks faith with them and the things that they have tried to tell the force.

I will read General Schwartz's letter. General Schwartz is the Chief of the Air Force. He said, I believe it's important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commission review be completed before the legislation to repeal the Don't Ask, Don't Tell law, which is the Murphy amendment which we will be discussing and voting on later today or tomorrow.

Such action allows me to provide the most immediate advice to the President and sends an important signal to our airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive, and would reflect an intent to act before all relevant factors are assessed, digested and understood.

I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I will assume that there is support for my amendment, I just want to quickly address what Mr. MCKEON has said on two levels. First of all, the amendment that we will be voting on later today on Don't Ask, Don't Tell specifically leaves it in the hands of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, as intended by the Secretary, to be the one who will chair the policy. The policy will not be changed as a result of the amendment that we are passing. It will, meet, absolutely, the requirement that the Secretary of Defense and others have to certify that change from the Armed Forces. And it will not, let me repeat, will not be changed until the Secretary of Defense and the Chairman of the Joint Chiefs of Staff certify that change. They will have to certify it before we go forward.

Second of all, this policy, Don't Ask, Don't Tell, this ridiculous policy that has driven people out of the military who are only too anxious to serve, has been in existence for 16 years.

And I share Secretary Gates' view of Secretary Gates that the best approach would be to complete the DOD review before there's any legislation to change the law. My concern is that legislative changes, at this point, regardless of the precise language used, may cause confusion on the status of the law in the fleet and disrupt the review process itself by leading sailors to question whether their input matters.

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I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I think that the process that my friend from California lays out is a correct one, that there should be wide solicitation of views from those who wear the uniform, and there will be.

And the amendment that Mr. MURPHY will be offering later today simply says this: If, after that process the Secretary of Defense, and the chairman of the Joint Chiefs of Staff believe that the evidence shows that implementation of the repeal would undercut the readiness or effectiveness of our troops, they will not certify that the policy should be put into effect, and it won't be. The Secretary has repeatedly said, Admiral Mullen has repeatedly said the question is not whether repeal should take place, but how.

Mr. MURPHY's amendment will set up a rational process for that to take place. I believe it's the right thing to do, and I support Mr. SMITH's amendment which is before us right now.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I yield to the gentleman from Georgia.

Mr. SHELTON of Georgia. I yield back the balance of my time.

Mr. MARSHALL of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows: Amendment No. 4 offered by Mr. MARSHALL:

Page 122, after line 18, insert the following:

SEC. 359. SENSE OF CONGRESS REGARDING FIRE-RESISTANT URBAN UNIFORMS TO NATIONAL GUARD PERSONNEL IN CIVIL AUTHORITY MISSIONS

It is the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant urban uniforms to National Guard personnel who are most likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Georgia (Mr. MARSHALL) and a Member opposed each will control 5 minutes.

Mr. MARSHALL of Georgia. Mr. Chairman, this is a pretty simple amendment. We give fire retardant uniforms to all soldiers deploying to our combat zones. National Guard soldiers here in the United States do not have fire retardant uniforms, for the most part. And yet some National Guard soldiers, as an ordianry part of their duties, are exposed to fire hazards.

The amendment's pretty simple. It simply says we acknowledge that this is a cost issue associated with the issuing of fire retardant uniforms to all of our National Guard soldiers here in the United States. But at least we
should encourage the Guard to consider issuing those uniforms to those soldiers who, as a normal course of their duties, from time to time are exposed to fire hazards. And I hope that everybody would agree that that's a wise thing for us to do.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition. I will not oppose the amendment. I will support the amendment as a good member of the committee.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chair, we do have other things we can talk about here today, and seeing how the Rules Committee didn't give us time to fully debate the Murphy amendment on Don't Ask, Don't Tell, we will use the time for that.

I yield 2 minutes the gentleman from Colorado (Mr. COFFMAN), a member of the committee.

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in support of the amendment offered and in support of the bill as well, the defense authorization bill as well, but in opposition certainly to the Murphy amendment on the Don't Ask, Don't Tell, reversing Don't Ask, Don't Tell.

One thing that I think hasn't been raised, certainly what the amendment states is that the Congress of the United States will in fact delegate to the Department of Defense, to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff, the ability to simply do the assessment based on the survey to make that decision. But I think the reality is, unfortunately, these are not independent decisions.

The President, at the end of the day, is the Commander in Chief, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff report to the Commander in Chief. So I question the ability for them to make an independent decision. This policy was put in place by the Congress of the United States, and it ought to be the Congress of the United States that ultimately makes the decision where the F–35 alternate engine is concerned. We both very concerned about unnecessary expenditures.

I talked to a retired commodore recently. He was an F–16 pilot. They had a squadron where pretty routinely only four to six of their jets would operate, and it was engine problems. At the time they were having those problems, it was sole sourced. When competition was injected, the effect of competition was that all of a sudden the engines that we were getting improved in quality dramatically. So competition is good for the soul.

We actually have a statute that requires competition. If we follow our own law, we will insist upon competition for the engines where the F–35 is concerned. But there is a specific example of competition working where jet engines are concerned, and it's the F–16 and the reliability of the F–16.

We should have a process set up. The process was put in place by the Congress of the United States. It's our responsibility to review.

So I would hope that we would, in fact, vote down the Murphy amendment, do our job in terms of reviewing the findings of the views of the men and women of the Armed Forces of the United States that this study is, in fact, to put forward their concerns about the challenges of reversing the Don't Ask, Don't Tell policy. Then, upon our reading of that information, we will then make an informed decision going forward as to whether or not we will pass the policy or we will continue this policy or we will. But I think it's wrong for us to delegate this to somebody else, and I believe, again, we should vote down the Murphy amendment.

Mr. MARSHALL. I agree with Mr. COFFMAN, who cochairs, along with me, the Balanced Budget Caucus. I agree with him on many things, that I have got good amendment here, and that we ought not to pass the Murphy amendment.

I think everybody understood the course that we were headed on with regard to Don't Ask, Don't Tell was for the military to do a study of the issue, give the study to us, we look at the study and then make a decision. We don't have the results of the military's analysis. What we do have is pretty well expressed concerns by the service Chiefs of each one of our branches that we ought not to move forward, that we are getting the cart before the horse here on this issue.

It seems to me we have been committed for some time to a course where we wouldn't have information and then make the decision. This reverses that course. I think it's a mistake.

As long as we are talking about different issues here, I would like to talk about the F–35 alternate engine as well. We cochairs, Mr. COFFMAN, the Balanced Budget Caucus. We are both very concerned about unnecessary expenditures.

I talked to a retired commodore recently. He was an F–16 pilot. They had a squadron where pretty routinely only four to six of their jets would operate, and it was engine problems. At the time they were having those problems, it was sole sourced. When competition was injected, the effect of competition was that all of a sudden the engines that we were getting improved in quality dramatically. So competition is good for the soul.

We actually have a statute that requires competition. If we follow our own law, we will insist upon competition for the engines where the F–35 is concerned. But there is a specific example of competition working where jet engines are concerned, and it's the F–16 and the reliability of the F–16. OAO did a study of the cost savings associated with this and concluded it was 21 percent.

Bottom line, there is not a good argument, except for near-term dollar issues, there is not a single good argument why we should not have competition where the F–35 engine is concerned.

I appreciate the ranking member and the chairman of this committee and both of the relevant subcommittees strongly supporting having competition where the F–35 engine is concerned. I appreciate the support that I have received for my amendment with regard to National Guard uniforms.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman for his agreement with us on this issue, where we had a process set up. The process was set up by the Secretary in conformance with the President's wishes, and the thing that they thought was very important was having the input from those who would be most affected.

And referring to the testimony, one of them made the comment to me, in addition to the letters, he says, Hey, I understand the politics. I understand what's going on here. And he said, The amendment is very cleverly written. It looks like a study will be done until this until the study is done. However, the headline will be "Don't Ask, Don't Tell Repealed." He says, I understand how that works. But the guy that's out on an FOB in Afghanistan is going to get the headline and be he is going to then, when somebody may send him a survey, he is going to say, What is this? I know this is already decided. I mean, we ought to treat this like it really is.

Many of your Members, I have been on the floor the whole day, I have listened to this debate, and I was also in the Rules Committee yesterday and heard it, and many of your Members say this repeals Don't Ask, Don't Tell. This is it. And then Chief of your Members are saying, Well, it doesn't really do anything. It just kind of moves the ball down the field. Then why are we doing the debate? I think be honest in what this really does. This precludes the study, the study we just hired that we are going to pay good money for and we are going to hear from the troops, but they are going to know that their wishes or their desires or their comments or their participation is folly because the decision's already made.

What it's supposed to be was we found out, we went out and did the study, then it comes back and came to us with the Chief's and the Secretary's recommendations, and then we will have a responsibility here. We do pass the laws. And we are giving up that responsibility today by voting on something without the complete information. And we're disregarding the troops. That's what we're doing. We're disregarding them.

And as some of the chairmen said to me yesterday, it's going to cause confusion in the force, and we don't keep faith with those who are putting their lives on the line every day for us. And especially this committee. This committee should stand for the force. This committee should stand for the troops. This should be discussed in our committee before it came to the full floor.

I yield back the balance of my time.

Mr. MARSHALL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARSHALL. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by
the gentleman from Georgia will be postponed.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendments numbered 21, 42, 47 may be offered out of order.

The Acting CHAIR. Duly noted.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 1.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 offered by Mr. SKELTON consisting of amendments numbered 9, 10, 16, 24, 36, 63, and 70 printed in House Report 111–498:

AMENDMENT NO. 9 OFFERED BY MS. GIFFORDS OF ARIZONA

The text of the amendment is as follows:

Page 452, after line 10, insert the following:

SEC. 244. REPORT ON REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense, acting through Joint Task Force North, may share with the Department of Homeland Security and the Department of Justice any data gathered during training exercises.

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

(A) an analysis of regional advanced technology clusters throughout the United States, including:

(i) an estimate of the amount of public and private funding activities within each cluster;

(ii) an assessment of the technical competencies of these regional advanced technology clusters;

(iii) a comparison of the technical competencies of each regional advanced technology cluster with the technology needs of the Department of Defense; and

(B) a review of current Department of Defense interaction, cooperation, or investment in regional advanced technology clusters.

(2) A strategic plan for encouraging the development of innovative, advanced technology clusters and systems, to address national security, homeland security, and first responder challenges by:

(A) enhancing regional advanced technology clusters that support the technology needs of the Department of Defense; and

(B) identifying and assisting the expansion of additional new regional advanced technology clusters to foster research and development into emerging, disruptive technologies identified through strategic planning documents of the Department of Defense.

(3) An identification of the resources needed to establish, sustain, or grow regional advanced technology clusters;

(4) An identification of mechanisms for collaborating and cost sharing with other state, local, and Federal agencies with respect to regional advanced technology clusters, including any legal impediments that may inhibit collaboration or cost sharing.

(5) A directive that:"

(A) the term "appropriate congressional committees" means the following:

(i) The Committees on Armed Services, Appropriations, and Small Business of the House of Representatives;

(ii) The Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate;

(B) the term "regional advanced technology cluster" means geographic centers focused on building science and technology-based innovation in areas of local and regional strength to foster economic growth and improve quality of life.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS OF TEXAS

The text of the amendment is as follows:

At the end of subtitle C of title VII, insert the following:

SEC. 711. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall establish a pilot program under which each Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities of the Department of Defense, the Department of Veterans Affairs, or any other facility to which an eligible veteran is referred by a Secretary for payment for a treatment pursuant to subsection (a)(1) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment or study protocol used in treating the member or veteran must have been reviewed by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The approved treatment or study protocol (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The treatment or study protocol must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment or study protocol must be reimbursed for the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—In general, the Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments and employees of the Department of Defense and the Department of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretary of Defense shall ensure that the database preserves confidentiality and be made available only to:

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board operating in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations applicable as of the date of the enactment of this Act.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publicly disseminated in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations applicable as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have approved a payment under this Act.

(b) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty if the member to receive treatment or study protocol for traumatic brain injury or post-
traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) Payment of Per Diem.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance received by a member of the Armed Forces with a service-connected injury or disability from an institutional review board study carried out by civilian health care practitioners, and veterans to receive treatment carried out by civilian health care practitioners under this Act, for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

(4) OUTREACH PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment carried out by civilian health care practitioners under this Act, for the provision of such treatment or study protocol pursuant to this Act.

(b) Treatment of Members of the Armed Forces and Veterans Who Have Served in the Armed Forces.—

(1) OUTREACH TO VETERANS.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (a) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under this Act, for the provision of such treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this Act.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense of the Secretary of Veterans Affairs shall jointly submit to Congress an annual report on the implementation of this Act that shall include each of the following for that fiscal year:

(a) The number of individuals for whom the Secretary has provided payments under this Act.

(b) The condition for which each such individual receives treatment for which payment is provided under this Act and the success rate of such treatment.

(c) Treatment methods that are used by entities receiving payment provided under this Act and the respective rate of success of each such method.

(d) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this Act into facilities of the Department of Defense and Department of Veterans Affairs.

(e) TERMINATION.—The authority to make a payment under this Act shall terminate on the date that is five years after the date of the enactment of this Act.

(f) AUTOMATIC APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this Act.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON LEE OF TEXAS

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. REPORT RELATED TO MINORITY-OWNED, WOMEN-OWNED, AND DISADVANTAGED-OWNED SMALL BUSINESSES.

Not later than December 1, 2010, the Secretary of Defense shall provide to the Congressional Black Caucus a report that includes a list of minority-owned, women-owned, and disadvantaged-owned small businesses that receive contracts resulting from authorized funding to the Department of Defense. The list shall cover the 10 calendar years preceding the date of the enactment of this Act and the success rate of each contract, the name of the business and the business owner and the amount of the contract award.

AMENDMENT NO. 38 OFFERED BY MS. WATSON OF CALIFORNIA

The text of the amendment is as follows:

At the end of division A, add the following new title:

TITLE XVII—FEDERAL INFORMATION SECURITY

Subtitle A—Federal Information Security Amendments

SEC. 1791. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

SUBCHAPTER II—INFORMATION SECURITY

* §3551. Purposes

The purposes of this subchapter are to—

(1) provide a comprehensive framework for ensuring the effectiveness of information security controls over information and resources that support Federal operations and assets;

(2) recognize the highly networked nature of the current Federal computing environment and promote effective Governmentwide information management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

(3) provide for development and maintenance of minimum controls required to protect Federal information and information infrastructure;

(4) provide a mechanism for improved oversight of Federal agency information security programs;

(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions that reflect leading market solutions for the protection of critical information infrastructures important to national defense and economic security of the Nation that are designed, built, and operated by the private sector; and

(6) recognize that the selection of specific technical hardware and software information security products is by the President with the advice and consent of the Senate.

* §3552. Amendments

(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

(b) DIRECTOR.—

(1) IN GENERAL.—There shall be an Office of the Director, which shall be appointed by the President by and with the advice and consent of the Senate.

* §3553. National Office for Cyberspace

(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

* §3554. Authorization of Appropriations

There is authorized to be appropriated $10,000,000 for each fiscal year to carry out this Act.

* §3555. Definitions

(a) SECTION 3502 DEFINITIONS.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

(b) ADDITIONAL DEFINITIONS.—In this subchapter:

(1) The term ‘adequate security’ means security that complies with the regulations promulgated under section 3554 and the standards promulgated under section 3538.

(2) The term ‘incident’ means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system, information and information infrastructure; the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

(3) The term ‘information infrastructure’ means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.

(4) The term ‘information security’ means protecting information and information infrastructures from unauthorized disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentiality, which means preserving authorized access to and control over information and information systems and assets relevant to national security;

(C) availability, which means ensuring timely and reliable access to and use of information; and

(D) authentication, which means using digital credentials to assure the identity of users and validate access of such users.

(5) ‘The term ‘information technology’ has the meaning given that term in section 11101 of title 40.

(6) The term ‘national security system’ means any information infrastructure (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency.

(7) The term ‘information’ includes any data, the function, operation, or use of which—

(A) involves intelligence activities;

(B) involves cryptologic activities related to national security;

(C) involves command and control of military forces;

(D) involves equipment that is an integral part of a weapon or weapons system; or

(E) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established in an Executive Order of the President of Congress to be kept classified in the interest of national defense or foreign policy.

(8) Subparagraph (A)(v)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

* §3556. Department of Defense Information Security

(a) ESTABLISHMENT.—There is established within the Department of Defense an office to be known as the Defense Information Security Center.

(b) COMPELLED REPORTS.—There shall be a system of reports to assure—

(1) the adequacy of information security programs to meet the requirements established in this Act;

(2) that Federal agencies and the Department of Defense comply with the standards promulgated under section 3554 and the regulations promulgated under section 3555.

(c) SUBMISSIONS.—Each Federal agency and the Department of Defense shall report to the Director of the National Office for Cyberspace and the Secretary of Defense at such time and in such manner as prescribed by the Secretary of Defense.
shall administer all functions under this subchapter and collaborate to the extent practicable with the heads of appropriate agencies, the private sector, and international partners. The Director and the National Office for Cyberspace shall conduct, in consultation with the Office for Cyberspace, the National Security Council, the Department of Defense, the National Institute of Standards and Technology, the United States Trade Representative, and other relevant agencies, the National Strategy for Cyberspace Infrastructure Protection and Improvement, and in consultation with the Secretary of State, the National Strategy for Cyberspace, and the National Cybersecurity Strategy, and in consultation with the Director of the Office of Management and Budget, establish a National Cybersecurity Center.

§ 3553. Federal Cybersecurity Practice Board

(a) Establishment.—Within the National Office for Cyberspace, there shall be established a board to be known as the ‘Federal Cybersecurity Practice Board’ (in this section referred to as the ‘Board’).

(b) Members.—The Board shall be chaired by the Director of the National Office for Cyberspace and consist of not more than 10 members, with at least one representative from—

(1) the Office of Management and Budget;

(2) civilian agencies;

(3) the Department of Defense;

(4) the Federal law enforcement community;

(5) the Federal Chief Technology Office; and

(6) such additional military and civilian agencies as the Director considers appropriate.

(c) Responsibilities.—

(1) Development of Policies and Procedures.—Subject to the authority, direction, and control of the Director of the National Office for Cyberspace, the Board shall be responsible for developing and periodically updating information security policies and procedures relating to the matters described in paragraph (2). In developing such policies and procedures, the Board shall require that all matters addressed in the policies and procedures be the maximum extent practicable and in accordance with applicable law, among the civilian, military, intelligence, and law enforcement communities.

(2) Specific Matters Covered in Policies and Procedures.—

(A) Minimum Security Controls.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to minimum security controls for information technology, in order to—

(i) provide Governmentwide protection of Government-networked computers against unauthorized access, use, disclosure, disruption, modification, or destruction of—

(A) information collected or maintained by or on behalf of an agency;

(B) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

(B) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency, the Central Intelligence Agency, the Department of Defense, the National Reconnaissance Office, the Department of Energy, the National Nuclear Security Administration, and other agencies, offices, and entities operating or exercising control of national security systems); and

(C) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency, the Central Intelligence Agency, the Department of Defense, the National Reconnaissance Office, the Department of Energy, the National Nuclear Security Administration, and other agencies, offices, and entities operating or exercising control of national security systems).

(C) Significant Deficiencies in Agency Information Security Practices; and

(E) A summary of, and the views of the Director of the National Office for Cyberspace on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3); and

(F) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale compromise of information infrastructure, as determined by the Director; and

(G) establishing a national strategy, in consultation with the United States Trade Representative, and the National Institute of Standards and Technology, to engage with the international community to set the policies, principles, standards, or guidelines for information security; and

(H) coordinating information security training for Federal employees with the Office of Personnel Management.

(B) National Security Systems.—Except for the authorities described in paragraphs (A) and (B) of subsection (a), the authorities of the Director of the National Office for Cyberspace under this section shall not apply to national security systems.

(C) Department of Defense and Central Intelligence Agency Systems.—(1) The authorities of the Director of the National Office for Cyberspace described in paragraphs (1) and (2) of subsection (a) shall be delegated to the Secretary of Defense in the case of systems described in paragraph (2) and to the Director of Central Intelligence in the case of systems described in paragraph (3).

(2) The systems described in this paragraph are systems that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on
behalf of the Department of Defense that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Department of Defense.

(3) The systems described in this paragraph are that are operated by the Central Intelligence Agency, a contractor of the Central Intelligence Agency, or another entity on behalf of the Central Intelligence Agency that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Central Intelligence Agency.

(b) AGENCY Oversight and Restriction.—

(1) The head of each agency shall submit to the Director of the National Office for Cybersecurity a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before the submission of such budget by the head of the agency to the Office of Management and Budget.

(2) The Director shall review and offer a non-binding or disapproval of each agency's annual budget to each agency before the submission of such budget by the head of the agency to the Office of Management and Budget.

(3) If the Director offers a non-binding or disapproval of an agency's budget, the Director shall transmit recommendations to the head of the agency for strengthening its budget. In the event of the Director's disapproval of an agency's budget, the Director shall transmit recommendations to the head of the agency for strengthening its budget. In the event of the Director's disapproval of an agency's budget, the Director shall—

(A) ensure the security and information infrastructure for such agency pursuant to paragraph (1) shall include—

(i) a review of any threats to information technology infrastructure for such agency;

(ii) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

(iii) a review of compliance by such agency with any previous year plan described in sub paragraph (B); and

(iv) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to information infrastructure of such agency.

(b) AGENCY Program.—Each agency shall develop, document, and implement an agencywide information security program, approved by the Director of the National Office for Cyberspace, in accordance with regulations promulgated under section 3554 and standards promulgated under section 3556, for information security, including—

(C) determining policies and procedures for access to the information infrastructure in accordance with regulations promulgated under section 3554 and standards promulgated under section 3556; and

(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

(E) ensuring that the Chief Information Security Officers, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the information security programs, including progress of remedial actions; and

(F) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience and the security clearance required to administer the functions described under this subchapter, and has information security duties as the primary duty of that official.

(c) AGENCY Oversight.—The Office of the Director of the National Office for Cyberspace shall—

(A) be responsible for—

(i) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

(I) information collected or maintained by or on behalf of the agency; and

(II) information infrastructure used or operated by the agency or other organization on behalf of the agency;

(ii) complying with the requirements of this subchapter; and

(iii) collaborating with the National Office for Cyberspace and appropriate public and private sector security operations centers to—

(I) address incidents that impact the security of information and information infrastructure in accordance with policy provided by the Director of the National Office for Cyberspace; and

(II) the policy of the Director of the National Office for Cyberspace for agency information infrastructure.

(B) Acting as the agency head or designee, the Director—

(i) shall develop, document, and implement an agency information security program, in consultation with the Chief Information Security Officers Council, that includes—

(I) continuous automated technical monitoring of information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of the agency to assess compliance with the requirements, including regulations promulgated under section 3554 and standards promulgated under section 3556; and

(ii) testing of the effectiveness of security controls that are commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information infrastructure;

(C) ensure that information security is addressed throughout the life cycle of each agency information system and information infrastructure;

(D) ensure compliance with—

(i) the requirements of this subchapter;

(ii) policies and procedures as may be prescribed by the Director of the National Office for Cyberspace; and

(iii) any other applicable requirements, including—

(I) standards and guidelines for national security systems issued in accordance with law and as directed by the President;

(II) the policy of the Director of the National Office for Cyberspace; and

(III) the National Institute of Standards and Technology guidance; and

(iv) the Chief Information Security Officers Council (as recommended by the Director of the National Office for Cyberspace; and

(E) develop, maintain, and oversee information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558; and
“(F) ensure the oversight and training of personnel with significant responsibilities for information security with respect to such responsibilities;

“(4) requiring that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, and practices, including—

“(5) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

“(A) management, operational, and technical controls of every information infrastructure identified in an inventory required under section 3505(b); and

“(B) management, operational, and technical controls relied on for an evaluation under section 3556;

“(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

“(7) to the extent practicable, continuous automated technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director of the National Office for Cyberspace, including—

“(A) management, operational, and technical controls associated with such incidents before substantial damage is done;

“(B) notifying and consulting with the appropriate security operations response center; and

“(C) notifying and consulting with, as appropriate—

“(i) law enforcement agencies and relevant Office of Inspector General;

“(ii) the National Office for Cyberspace; and

“(iii) any other agency or office, in accordance with law or as directed by the President;

“(8) plans and procedures to ensure continuity of operations for information infrastructure that support the operations and assets of the agency;

“(c) AGENCY REPORTING.—Each agency shall—

“(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, and comply with each requirement of subsection (b) to—

“(A) the National Office for Cyberspace;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Oversight and Government Reform of the House of Representatives;

“(D) other appropriate authorization and appropriations committees of Congress; and

“(E) the Comptroller General;

“(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

“(A) annual agency budgets;

“(B) information resources management of this subchapter;

“(C) information technology management under this chapter;

“(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;

“(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101-576); and

“(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note); and

“(G) internal accounting and administrative controls under section 3512 of title 31; and

“(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

“(A) as a material weakness in reporting under section 3512 of title 31; and

“(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).”

“(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

“(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (a)(2).

“(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

“§ 3557. Annual independent audit

“(a) IN GENERAL.—(1) Each year each agency shall have performed an independent audit of the information security program and practices of that agency to determine the effectiveness of such program and practices.

“(2) Each audit under this section shall include—

“(A) testing of the effectiveness of the information infrastructure of the agency for automated, continuous monitoring of the state of compliance of its information infrastructures with all applicable laws and regulations.

“(B) a conclusion regarding whether the public has proper awareness of and appropriate protections for the information associated with any information security vulnerability in such system commensurate with the risk and in accordance with applicable laws and regulations.

“(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS TO CONGRESS.—(1) The Director of the National Office for Cyberspace shall summarize the results of the audits conducted under this section in the annual report to Congress required under section 3555(a)(b).

“(2) The Director of the National Office for Cyberspace under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with applicable laws.

“(2) Audits and any other descriptions of information infrastructure under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate committees of Congress, in accordance with applicable laws.

“(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

“(1) the adequacy and effectiveness of agency information security policies and practices; and

“(2) implementation of the requirements of this subchapter.

“(i) CONTRACTOR AUDITS.—Each for each contractor that operates, uses, or supports an information system or information infrastructure on behalf of an agency and each subcontractor of such contractor shall—

“(1) conduct an audit using an independent external auditor in accordance with subsection (a), including an assessment of compliance with the applicable requirements of this subchapter; and

“(2) shall submit the results of such audit to such agency not later than such date established by the Agency.

“§ 3558. Responsibilities for Federal information systems standards

“(a) REQUIREMENT TO PRESCRIBE STANDARDS.—
STANDARDS.—The head of an agency may promulgate information security standards with the Secretary of Homeland Security, Act (15 U.S.C. 278g–3(a)) and in consultation with the Secretary of Commerce under subsection (b), and otherwise ensures compliance and technical automated

standards that provide minimum information security requirements as determined by the National Institute of Standards and Technology, as provided under section 3552(b), shall be developed, promulgated, and enforced, and as otherwise authorized by law and as directed by the President.

APPLICATION OF MORE STRINGENT STANDARDS.—The head of an agency may employ standards for the cost-effective information security for all operations and assets within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under section 20(b), if such standards—

(1) contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary; and

(2) are otherwise consistent with policies and guidelines issued under section 3555.

(c) REQUIREMENTS REGARDING DECISIONS BY THE SECRETARY.—

(1) DEADLINE.—The decision regarding the promulgation of any standard by the Secretary of Commerce under subsection (b) shall be made within 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 3552(b), shall be developed, promulgated, and enforced, and as otherwise authorized by law and as directed by the President.

(2) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

3550. National security systems

SEC. 1702. INFORMATION SECURITY ACQUISITION REQUIREMENTS.

(a) IN GENERAL.—Chapter 113 of title 40, United States Code, is amended by adding at the end of subsection (b) the following new paragraph:

(2) INFORMATION SECURITY ACQUISITION REQUIREMENTS.

(3) National security systems

(4) A requirement for initial vulnerability assessments.—The Director shall require each agency to conduct an initial vulnerability assessment for major systems and its significant items of supply prior to the development of the system. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

(A) identify vulnerabilities; and

(B) define exploitation potential; and

(C) examine the system’s potential effectiveness; and

(D) determine overall vulnerability; and

(E) make recommendations for risk reduction.

(2) SUBSEQUENT VULNERABILITY ASSESSMENTS.—

(A) The Director shall require a subsequent vulnerability assessment of a major system and its significant items of supply within a program if the Director determines that circumstances warrant the issuance of an additional vulnerability assessment.

(B) Upon the request of a congressional committee, the Director may require a subsequent vulnerability assessment of a particular major system and its significant items of supply within the program.

(C) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of paragraph (1).

(d) DEFINITIONS.—In this section:

(1) ITEM OF SUPPLY.—The term ‘‘item of supply’’—

(A) means any individual part, component, subassembly, assembly, or subsystem.
integral to a major system, and other prop-
erty which may be replaced during the ser-
vices life of the major system, including a
spare part or replenishment part; and
(1b) "packaging or labeling" means pack-
ing, labeling, or any item associated with
shipment or identification of an item.
(2) VULNERABILITY ASSESSMENT.—The
term "vulnerability assessment" means the
process of identifying and quantifying
vulnerabilities in a major system and its
significant items of supply.
(3) Major system.—The term "major sys-
tem" has the meaning given that term in sec-
tion 4 of the Office of Federal Procurement
SEC. 1703. TECHNICAL AND CONFORM-
ING AMENDMENTS.
(a) TABLE OF SECTIONS IN TITLE 44.—The
table of sections for chapter 35 of title 44,
United States Code, is amended by striking
the matter relating to subchapters II and III
and inserting the following:
"SUBCHAPTER II—INFORMATION
SECURITY"
3551. Purposes.
3552. Definitions.
3554. Federal Cybersecurity Practice Board.
3555. Authority and functions of the Direc-
tor of the National Office for
Cyberspace.
3556. Agency responsibilities.
3557. Annual independent audit.
3558. Repeal of Federal information sys-
tem standards.
3559. Federal information security incident
report.
3560. National security systems.
(b) TABLE OF SECTIONS IN TITLE 40.—The
table of sections for chapter 113 of title 40,
United States Code, is amended by inserting
after the item relating to section 11318 the
following new item:
"Sec. 11319. Information security acquisi-
tion requirements.
(c) Other references.—
(1) Section 1001(c)(1)(A) of the Homeland
Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is
amended by striking "section 3532(3)" and in-
serting "section 3552(b)".
(2) Section 2222(6) of title 10, United
States Code, is amended by striking "section
3542(b)(2)" and inserting "section 3552(b)
(3) Section 2315 of title 10, United States
Code, is amended, by striking "section
3542(b)(2)" and inserting "section 3552(b)
(4) Section 2315 of title 10, United States
Code, is amended by striking "section
3542(b)(2)" and inserting "section 3552(b)
(5) Section 20 of the National Institute of
Standards and Technology Act (15 U.S.C.
276g-3) is amended—
(A) in subsections (a)(2) and (e)(5), by
striking "section 3552(b)(2)" and inserting "sec-
tion 3552(b)
(B) in subsection (e)(2), by striking "sec-
tion 3532(1)" and inserting "section 3552(b); and
(C) in subsections (c)(3) and (d)(1), by
striking "section 11331 of title 44" and in-
serting "section 3538 of title 44".
(b) Section 8(d)(1) of the Cyber Security
Research and Development Act (15 U.S.C.
746(d)(1)) is amended by striking "section
3538(b)" and inserting "section 3556(b).
SEC. 1704. EFFECTIVE DATE.
(a) IN GENERAL.—Unless otherwise speci-
fied in this subtitle, each reference in
section 3553 of title 44, United States Code,
as amended by section 1701 of this division,
shall take effect 30 days after the date of enact-
ment of this Act.
(b) NATIONAL OFFICE FOR CYBERSPACE.—
Section 3553 of title 44, United States Code,
as added by section 1701 of this division,
shall take effect 180 days after the date of enac-
tement of this Act.
(c) FEDERAL CYBERSECURITY PRACTICE
BOARD.—Section 3554 of title 44, United States
Code, as added by section 1701 of this di-
vision, shall take effect one year after the
date of enactment of this Act.
Subtitle B—Federal Chief Technology
Officer
SEC. 1711. OFFICE OF THE CHIEF TECHNOLOGY
OFFICER.
(a) ESTABLISHMENT AND STAFF.—
(1) ESTABLISHMENT.—
(A) IN GENERAL.—There is established in
the Executive Office of the President an Of-
fice of the Federal Chief Technology Officer
(in this section referred to as the "Office").
(B) HEAD OF THE OFFICE.—
(i) FEDERAL CHIEF TECHNOLOGY
OFFICER.—The President shall appoint a Federal
Chief Technology Officer (in this section referred
to as the "Federal CTO") who shall be the
head of the Office.
(ii) COMPENSATION.—Section 5314 of title 5,
United States Code, is amended by adding at
the end the following:
"Federal Chief Technology Officer"
(2) STAFF OF THE OFFICE.—The President
may appoint additional staff members to the
Office.
(b) DUTIES OF THE OFFICE.—The functions
of the Federal CTO are the following:
(1) Undertake fact-gathering, analysis, and
assessment of the Federal Government's in-
fomation technology capabilities, including
information technology strategy, and use of
information technology, and provide advice on
such matters to the President, heads of Federal
departments and agencies, government
chief information officers and chief
technology officers.
(2) Lead an interagency effort, working
with the chief information officers of each of the
Federal departments and agencies, to develop and
implement a planning process to ensure that they
use best-in-class technologies, share best
practices, and improve the use of technology in
support of Federal Government require-
ments.
(3) Advise the President on information
technology considerations with regard to
Federal budgets and with regard to general
coordinating information for the research and
development programs of the Federal Government
for information technology-related matters.
(4) Promote technological innovation in
the Federal Government, and encourage and
oversee the adoption of structures, infrastruc-
tural architectures and standards-based in-
formation technologies, in support of effect-
ive operational and management policies,
practices across Federal departments and
agencies and with the public and external
technology officers.
(5) Establish cooperative public-private
sector partnerships and initiatives, to achieve
knowledge of technologies available in the
marketplace that can be used for improving
governmental operations and information
technology research and development activi-
ties.
(6) Gather timely and authoritative infor-
mation concerning the development of developments and trends in information technology, and in
national priorities, both current and pro-
spective, and analyze and interpret the infor-
mation for the purpose of determining whether the developments and trends are
likely to affect achievement of the priority
goals of the Federal Government.
(c) POLICY PLANNING; ANALYSIS AND
ADVICE.—The Office shall serve as a source of
analysis and advice for the President and heads of Federal departments and agencies
with respect to major policies, plans, and
programs of the Federal Government in ac-
cordance with the functions described in sub-
section (b).
(d) COORDINATION OF THE OFFICE WITH
OTHER ENTITIES.
(1) FEDERAL CTO ON DOMESTIC POLICY
COUNCIL.—The Federal CTO shall be a member
of the Domestic Policy Council.
(2) FEDERAL CTO ON CYBERSECURITY PRAC-
TICE BOARD.—The Federal CTO shall be a
member of the Federal Cybersecurity Practice
Board.
(e) OBTAIN INFORMATION FROM AGENCIES.—
The Office may secure, directly from any de-
partment or agency of the United States, in-
formation necessary to enable the Federal
CTO to carry out this section. On request of
the Federal CTO, the head of the department or
agency shall furnish the information to the
Office, subject to any applicable limita-
tions of Federal law.
(f) STAFF OF FEDERAL AGENCIES.—On re-
quest of the Federal CTO, to assist the Office in
conducting the duties of the Office, the heads of
any Federal departments and agencies may
detail personnel, services, or facilities
of the department or agency to the Office.
(g) ANNUAL REPORT.—
(1) PUBLICATION AND CONTENTS.—The Fed-
eral CTO shall publish, in the Federal Regis-
ter and on a public Internet website of the
Federal CTO, an annual report that includes
the following:
(A) Information on programs to promote
the development of technological innova-
tions;
(B) Recommendations for the adoption of
policies to encourage the generation of tech-
nological innovations.
(C) Information on the activities and ac-
complishments of the Office in the year cov-
ered by the report.
(2) SUBMISSION.—The Federal CTO shall
submit each report under paragraph (1) to
(A) the President;
(B) the Committee on Oversight and Gov-
ernment Reform of the House of Representa-
tives;
(C) the Committee on Science and Tech-
ology of the House of Representatives; and
(D) the Committee on Commerce, Science,
and Transportation of the Senate.
H3996
CONGRESSIONAL RECORD — HOUSE
May 27, 2010
The text of the amendment is as fol-
ows:
Page 389, after line 7, insert the following:

SEC. 1025. EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF A MISSOURI COMBAT VESSEL AFTER FATHER VINCENT CAPODANNO.

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

(1) Father Vincent Capodanno was born on February 13, 1929, in Staten Island, New York.

(2) After attending Fordham University for a year, he entered the Maryknoll Missionary Seminary in upstate New York in 1949, and was ordained a Catholic priest in June 1957.

(3) Father Capodanno’s first assignment as a missionary was working with aboriginal Taiwanese people in the mountains of Taiwan where he served in a parish and later in a school. After several years, Father Capodanno returned to the United States for leave and then was assigned to a Maryknoll school in Hong Kong.

(4) Father Vincent Capodanno volunteered as a Navy Chaplain and was commissioned a Lieutenant in the Chaplain Corps of the United States Naval Reserve in December 28, 1965.

(5) Father Vincent Capodanno selflessly extended his combat tour in Vietnam on the condition he was allowed to remain with the infantry.

(6) On September 4, 1967, during a fierce battle in the Thang Binh District of the Que Son Valley in Vietnam, Father Capodanno went among the wounded and dying, giving last rites to the injured and intelligence killed that day while taking care of his Marines.

(7) On January 7, 1969, Father Vincent Capodanno was awarded the Medal of Honor posthumously for comforting the wounded and dying during the Vietnam conflict. For his dedicated service, Father Capodanno was also awarded the Distinguished Service Cross, the Prisoner of War Medal, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, and the Vietnam Gallantry Cross with Palm, and the Vietnam Campaign Medal.

(8) In his memory, the U.S.S. Capodanno was commissioned on September 17, 1973. It is the only Naval vessel to date to have received a Papai blessing by Pope John Paul II in Naples, Italy, on September 4, 1981.

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

(1) The next generation of weapons systems, such as fighters, bombers, and interceptors, will need to be lighter, more agile, consume less power, and have greater computational power, which can only be achieved by decreasing the feature size of microcircuits to the nanometer scale.

(2) There is a growing concern in the Department of Defense and the United States high tech industry as critical to the development of the next generation of integrated circuits.

(3) The targeted feature size of integrated circuits for EUVL development in the United States should be the 15 nanometer node.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SESSIONS) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SESSIONS. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Texas (Ms. JACKSON LEE). (Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. First I would like to take the opportunity to salute my dear friend, Chairman SKELTON, for being the kind of leader on a committee as challenging as providing for the men and women of the United States military, to ensure the listening to our soldiers across the facilities across America. I think our State of Texas can count itself as having the highest population, one of the highest populations of current and active duty military as well as veterans. I thank the ranking member for his leadership.

In saying that, before we honor them on Memorial Day, I believe that this legislation is a tough initiative on providing for the families and the men and women of our military. I also think it’s important to note that the Defense Department can be a job creator, create opportunities for Americans across this Nation. And my amendment simply asks that a report be provided to the Congressional Black Caucus towards establishing a report on the numbers of small, medium, minority and women-owned businesses that are doing business with the Defense Department. There are 57.4 million Americans employed by small businesses.

This amendment will be beneficial to small businesses by providing cohesive information in this sector and by encouraging and strengthening competition between businesses. More importantly, with this report I would like to encourage the Department of Defense to get out beyond the Beltway and to establish outreach centers or outreach programs that would explain these small businesses which are in Appalachia or whether in the Delta, whether in Houston, whether in urban centers, how to do business effectively, efficiently, and with integrity with the Department of Defense. This amendment makes the following findings:

(1) There is a growing concern in the Department of Defense and the United States high tech industry as critical to the development of the next generation of microcircuits.

(2) The Department of Defense should support the establishment of a public-private partnership among scientists, engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme-ultraviolet lithography (EUVL) technologies on 300 micron circuits.

(3) The targeted feature size of integrated circuits for EUVL development in the United States should be the 15 nanometer node.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 10 minutes.

Mr. MCKEON. Mr. Chair, I rise in opposition to the amendment, although I will not oppose the amendment.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chair, I rise in opposition to the amendment, although I will not oppose the amendment.

Mr. MCKEON. Mr. Chair, I am happy to yield 3 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate and respect the debate that’s going on today, and I want to thank the Rules Committee for making in order an amendment to this bill.

Mr. Chairman, currently private health care providers are treating brain injury patients with new and innovative treatments with remarkable results. And I am disappointed, however, to report that many of these treatments are currently not available within the military and veterans medical facilities.

I have engaged the military now at the senior military leadership for quite some time, and I am not satisfied with the military’s response to TBI, traumatic brain injuries. With that said, in an effort to further aid our military members and to fix this delinquency, I introduced the TBI, Traumatic Brain Injury, Treatment Act, H.R. 4568, in February and today I am offering it as an amendment today.

The TBI Treatment Act establishes a 5-year pay for performance pilot program. Essentially, what would happen is that any member of the military or who is being treated today by the Veterans Administration would be able to ask for being able to go outside the military system to a private or free enterprise market system and to be able to have the latest innovative procedures applied to them.

Private health care providers would be authorized and reimbursed to provide proven treatments to active duty soldiers and veterans at no cost to the
patient. I believe, and I believe the Members of this body believe, that it is important to work with the military leadership however they need help in getting to the correct answer.

Mr. SESSIONS. Mr. Chairman, I believe this issue really demanded an open debate and the end of that debate when I had an opportunity to talk with members of the committee who were there, I said, please tell me about the debate that took place in the committee. There was none. It should have been in the committee.

Mr. MCMONAHAN. Mr. Chairman, I yield the gentleman an additional minute.

Mr. MCKEON. Mr. Chairman, I believe that this issue really demanded an open debate and the end of that debate, when I had an opportunity to talk with members of the committee who were there, I said, please tell me about the debate that took place in the committee. There was none. It should have been in the committee.

Mr. SKELTON. I yield the gentleman an additional minute.

Mr. MCMONAHAN. Mr. Chairman, I believe that the issue really demanded an open debate and the end of that debate, when I had an opportunity to talk with members of the committee who were there, I said, please tell me about the debate that took place in the committee. There was none. It should have been in the committee.

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Mr. MCMONAHAN. Mr. Chairman, I believe that the issue really demanded an open debate and the end of that debate, when I had an opportunity to talk with members of the committee who were there, I said, please tell me about the debate that took place in the committee. There was none. It should have been in the committee.
These new technologies will focus on scaling. Scaling of processors to the point that the next generation of weapons systems would be lighter, more agile, consume less power, and at the same time be more powerful.

As important as our future weapons systems are, it is critical for us to maintain our global competitiveness in nanotechnology to achieve both of these goals for the military, and for business creation and innovation. We need to achieve these goals through the Department of Defense and having them critically involved.

This amendment asks the Department of Defense to support the creation of a public-private partnership of defense laboratory scientists and engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme ultraviolet lithography technologies on 300- and 450-micrometer wafers.

A partnership of such would bring all the stakeholders and financial resources to one location and would be vital to our Nation if we're going to compete in the global market for the next generation of semiconductors.

I ask my colleagues to support this very key amendment.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. LANGEVIN asked and was given permission to revise and extend his remarks.

Mr. LANGEVIN. I thank the gentleman for yielding.

I rise in strong support of the Watson-Langevin amendment. I am happy to be working with Chairwoman Watson to join strong cybersecurity authorities to our federal information security policies, otherwise known as the FISMA Act, which is long outdated and needs this updating provision.

But a portion of our amendment is drawn from my Executive Cyberspace Authorities Act and focuses on coordination of efforts to secure Federal networks, develop smarter cyberpolicies, and lead the world in standards and practices for responsible actions in cyberspace.

Clearly, cybersecurity and our cybervulnerabilities is one of the biggest threats facing the country today. We're so interconnected by use of the Internet, but it also provides real vulnerabilities because of cyberpenetrations.

The provisions in this act follow recommendations by the CSI’s Commission on Cyber Security, which I cochaired. By establishing a national office for cyberspace and the executive office of the President, this office will include strong authorities over agency information security policies, and responsibilities for coordinating the defense of our Federal networks and establishing a national strategy for international engagement.

Again, this will provide the right authorities for the cybercoordinator, who now would become the cyberdirector and do incredible work in making sure that we have these authorities in place to make sure that all of our departments and agencies are secure as possible in cyberspace.

So I want to thank the committee for including my amendment in the enabling legislation, and I urge our Members to support this passage. I, again, want to thank Chairman Watson for her work on this amendment. We joined forces, and it's going to take us in the right direction in securing the Nation's cyberspace.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

The Acting CHAIR. The gentleman from Missouri has 2 minutes remaining.

Mr. SKELTON. The gentleman from Indiana, Mr. BURTON, for his work on this, acknowledging the families of those who have died really in combat or by their own hand.

Mr. SKELETON. I yield 1 minute to my friend, the gentleman from Rhode Island, Mr. KENNEDY.

Mr. KENNEDY. I want to thank the gentleman from Indiana, Mr. BURTON, for his work on this, acknowledging the families of those who have died really in combat or by their own hand.

And the greatest signature wound in this war on terrorism in Iraq and Afghanistan is a wound that involves both the psyche with traumatic brain injury, with the concussions they are serving as a result of these IEDs—improved explosive devices—and the stress and strain of constantly worrying about your life being taken, which is posttraumatic stress.

And there's nothing that is abnormal about having the stress of worrying about your life being taken, and these people have to live with it constantly nonstop because this country keeps asking them to go back and back and back again.

This is something that's long overdue. I thank the gentleman from Indiana. Let's study, let's serve, let's make the commitment not to forget the families who died in this service of their country, whether they died in combat or by their own hand.

Mr. SKELETON. I yield 1 minute to my friend, the gentleman from Rhode Island, Mr. MCKEON.

Mr. MCKEON. I reserve the balance of my time.

Mr. SKELETON. I yield 2 minutes to my friend and colleague, the gentleman from New York, Mr. TONKO.

Mr. TONKO. My amendment, to my knowledge, is the only one that actually addresses the needs of our military. I think it's up to us to do our very best to continue to study this issue and make preparation for those who come back and to begin to think about what these tragedies can be put behind us that they can come back to a grateful Nation and warm and loving home and fit in and continue to
perform their duties in uniform and duties at home. So those of us who knew this young marine from Sedalia understand fully the comments of the gentleman from Rhode Island and the comments of the gentleman from Indiana. I yield the balance of my time.

Mr. MCKEON. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. MCKEON. I yield 1 minute at this time to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I just find it so appalling that the defense committee, which has always had a strong bipartisan relationship and a problem-solving ability, has only been given 10 minutes to uproot a longstanding policy on Don’t Ask, Don’t Tell, 5 minutes per side, to make a major social change in America, a change that will change the dynamic in the barracks, in the field, the morale, the tension.

What will you do about spousal benefits? In the face of DOMA, Don’t Ask, Don’t Tell? It would certainly be unfair to have somebody in combat and not cover his husband. So you are going to have spousal benefits.

And when you do that, what do you do about the Defense of Marriage Act, DOMA? That’s the law of the land. You will have to change the State laws to allow same-sex marriages. That’s how profound this change is today that we will be voting on after a 10-minute debate.

What about the issue of religious freedom? We have already seen the military uninvite people like Tony Perkins and Franklin Graham for speaking at prayer breakfasts.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 15 additional seconds.

Mr. KINGSTON. If you just cut out everything else the repeal of Don’t Ask, Don’t Tell and say what do you do about the spouse benefits and what do you do about the religious freedom that’s so important to all soldiers, how do you deal with that, you need more than 10 minutes?

I appeal to all Members of Congress, wherever you are on this, to realize we have an issue about the religious freedom of our military. Wounded once in the face and having his hand almost severed, he went to medical uninvite people like Tony Perkins and Franklin Graham for speaking at prayer breakfasts and they were uninvited as a result. We have been uninvited already because of their views. They are politically incorrect.

So the military invited them to speak at prayer breakfasts and they were uninvited. That just have happened without this debate. That’s why we need more than 10 minutes.

Mr. McMAHON. Mr. Chair, I urge my colleagues to adopt a sense of Congress recognizing Father Vincent Robert Capodanno, a decorated hometown hero from my district, for his military accomplishments and commitment to his faith. We ask that Department of Navy commission the next Navy Destroyer in the memory of Father Capodanno.

On June 7, 1957, Father Capodanno was ordained as a Catholic priest in the Chaplain Corps of the United States Naval Reserve. After completing orientation at the Naval Chaplain’s School, Newport, Rhode Island, Lieutenant Capodanno requested duty with the Marines in Vietnam.

His first assignment was the First Marine Division in 1966, where he immediately began making his presence in the combat operation of Chu Lai a regular part of his duties as Battalion Chaplain. To stay with his men, Chaplain Capodanno relinquished 30 days of Christmas holiday leave and after serving one year, he extended his tour of duty for 6 months on the condition that he be allowed to remain with the infantry.

Father Capodanno’s greatest desire was just that—to remain with his troops and to give them moral support. Then on the morning of September 4, 1967, the decision was no longer his to make. During Operation Swift in the Thang Binh District of the Que Son Valley the 1st battalion, fifth Marines encountered a large North Vietnamese unit of approximately 2500 men.

Father Capodanno went among the wounded and dying, giving last rites and taking care of his marines. Wounded once in the face and having his hand almost severed, he went to help a wounded corpsman only yards from an enemy machine gun. For his selfless acts and bravery beyond the call of duty, a man fellow marines referred to on the battlefield as the “grunt” padre,” Father Vincent R. Capodanno was awarded the Medal of Honor posthumously.

In 1973, Father Capodanno had a ship commissioned in his honor. The USS Capodanno’s lifespan was just as decorated as her namesake’s, being the only naval vessel to be blessed by the Pope and saving approximately 22 lives in her first deployment as a search and rescue vessel in the Mediterranean. Unfortunately, this ship was decommissioned and then sold to Turkey in 2005.

Today, Father Capodanno’s legacy in the Navy goes untold. The people of New York’s 13th district and I would be incredibly honored if the Department of Navy would recognize these amazing accomplishments by commissioning the next Navy Destroyer in the memory of Father Capodanno, an American Hero!

Mr. TOWNS. Mr. Chair, I rise in strong support of the amendment to H.R. 5136. This is a good addition to the National Defense Authorization Act for Fiscal Year 2011 and one that will go a long way toward improving our federal information security posture.

This language is nearly identical to H.R. 4900, the Federal Information Security Amendments Act of 2010, which was introduced by Ms. WATSON on March 22, 2010. That bill was just ordered favorably reported by the Committee on Oversight & Government Reform last week by a voice vote.

The Federal Information Security Management Act was enacted in 2002 as part of the E-Government Act. FISMA requires federal agencies to assess the state of their information security management each year by conducting periodic risk assessments, categorizing risk, maintaining a detailed inventory of all information systems and employees in security awareness. While FISMA has been an effective tool in improving information security, GAO continues to report persistent weaknesses that this legislation is intended to address.

The threats and attacks against information systems have continued to grow in both volume and intensity in recent years. In 2009 the U.S. electrical grid was reportedly infiltrated by hackers and denial of service attacks brought down the websites of a number of federal agencies including the Department of State, the Secret Service and the Federal Trade Commission. Cyber attacks are escalating quickly and we must do more to defend the Federal government against them.

This amendment represents an important step toward remedying the problem. It codifies multiple policy recommendations made by the Obama administration, public-private sector working groups and GAO for fixing information security deficiencies throughout the federal government.

In addition, other things, it would permanently elevate the significance of cyber security to the executive level by establishing a National Office for Cyberspace, with a director to be appointed by the President and confirmed by the Senate. This amendment also requires agencies to begin automated and continuous monitoring of their information technology systems, a requirement that the Obama administration issued guidance on in April. It also includes provisions codifying the position of chief technology officer and establishing a national strategy to engage with the international community on information security.

In closing, I want to take the time to acknowledge two of my colleagues from California. First, I want to thank Ms. WATSON, for introducing H.R. 4900 and offering this amendment. Second, I thank Mr. ISSA for working with us in a bipartisan manner to improve this amendment and move it forward in the legislative process. This is a good amendment and I strongly urge the rest of my colleagues to join me in supporting it.

Ms. GIFFORDS. Mr. Chair, since 9/11, we have had an increased awareness in tearing down boundaries to intel sharing and building networks that ensure critical information reaches decision makers. Information sharing on the
The longstanding barriers that built roadblocks between local law enforcement, Federal agencies and the Department of Defense are slowly crumbling. Critical information is beginning to flow but stovepipes remain.

Each day in places all along the border, illegal immigrants are smuggling guns, drugs and people into the United States. And each day, the Border Patrol apprehends people here illegally from places like North Korea, Iran, and Syria.

All along the border at military outposts charged with training our best and our brightest, ground forces and UAV pilots learn to identify targets, track movements and pass actionable intelligence.

But stovepipes within the system continue to prevent some sharing of potentially crucial data.

My amendment is focused on alleviating some of that urgent need for effective and efficient intelligence sharing. This need is recognized by our military leaders, program managers, intel analysts, and law enforcement officials.

As our military trains for battle and conducts field exercises in preparation for deployments, they collect data points that can be crucial to locating and stopping smuggling lanes into our country.

If only they were permitted to share that information with the people who can target those smuggling trails and shut traffickers down.

That is the goal of this amendment.

Whether it is soldiers from Fort Huacheca who uncover tunnel networks while learning to fly UAVs, or A–10 pilots from Davis-Monthan transiting out to the Goldwater Range, or Navy exercises on the Pacific or Gulf coasts that locate and intercept submergibles, this information must be shared and fused with the ground and airborne intelligence already flowing into disarray along the border.

My amendment will permit exactly that by authorizing those who routinely conduct training operations to share with Joint Task Force North any of the critical data they collect.

We know that more information, more intelligence and more resources will help stop smugglers, guns, drugs and human cargo from crossing the border and lead to captures and convictions that make our country more secure.

I urge my colleagues to vote in favor of this amendment.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SHERIDAN).

The amendments en bloc were agreed to.

AMENDMENT NO. 3 OFFERED BY MR. McGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–498.

Mr. McGOVERN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. McGOVERN

Add at the end of subtitle F of title X, the following:

SEC. 1065. FINDINGS AND SENSE OF CONGRESS ON OBESITY AND FEDERAL CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—The findings are the following:

(1) According to the April 2010 report, “Too Fat to Fight,” more than 100 retired generals and admirals wrote that, “[o]besity among children and adults has increased dramatically, that they threaten not only the overall health of America but the future security of our military.”

(2) Seventy-five percent, over 9,000,000, 17-24-year-olds in the United States are too fat to serve in the military.

(3) Between 1995 and 2008, the military had 160,000 individuals who showed up at the centers for processing but failed their entrance physicals because they were too heavy.

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

(1) reducing domestic childhood obesity and hunger is a matter of national security;

(2) obesity and hunger will continue to negatively impact recruitment for Armed Forces without access to physical activity, healthy food, and proper nutrition;

(3) Congress should act to reduce childhood obesity and hunger;

(4) the Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) should be funded at the President’s request; and

(5) the increases in funding for such programs should be properly offset.

The Acting CHAIR. Pursuant to House Resolution 1401, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, hunger and obesity are serious problems in this country. Over 49 million Americans go hungry every year, 17 million of which are children. Now we have a new problem—obesity. Most people think obesity is a simple problem of eating the wrong food, and this is mostly correct. But there are many cases where obese people are also hungry, that they are feeding themselves and their families with empty calories simply because they are inexpensive.

We must address hunger and obesity, and I am pleased that the First Lady is working on these issues. But now obesity is a national security issue. Twenty-two percent of young adults are too fat to serve in the military and being overweight is now the leading cause for rejection from military service.

Our amendment is simple. It says that hunger and obesity are national security problems and must be addressed, and it says that we should do so in part with the reauthorization of the Child Nutrition Act. The school lunch program was created in World War II because 40 percent of the recruits were rejected because they were too fat. In fact, the preamble to the School Lunch Act states that the school lunch program was created “as a measure of national security.”

Healthy school meals, along with more exercise and better access to food at home, will help combat the national security crisis of obesity.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.
Mr. MCKEON. I yield such time as the gentleman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Thank you, Ranking Member MCKEON.

My colleague, JIM MCGOVERN, made a couple of remarks with regard to the challenges the military is facing with regard to potential enlistees. I could go down and continue talking about some of these, but one of the most interesting facts is that every year we actually discharge over 1,200 first-term enlisted before their contracts are up because of weight problems. Then the military must recruit and train their replacements at a cost of $50,000 for each man or woman.

This begs the question, and which is why this amendment from my colleague is so very important, and that is because 16 million children or 22.5 percent of all children in the United States live in a home where access to food is a challenge. In these homes, child nutrition programs literally serve as a lifeline to proper nutrition and a better future.

We know that hungry children are sick more often. They suffer growth impairment, even development impairment. They do poorer in school, they are less prepared to join the workforce, and for purposes of this debate, they are less prepared to serve their country in the Armed Forces.

In fact, too many of our children are hard to hear but they are, in fact, true.

The first step in achieving greater success must be to ensure adequate funds are dedicated to this challenge. I support the sense of Congress language in this amendment calling for a $1 billion increase in funding for the child nutrition programs, and I share its belief that we need to pay for it.

I would like to thank my colleagues, JIM MCGOVERN of Massachusetts and SANFORD BISHOP of Georgia, for their leadership on this issue.

To support the goals of this important program, I would ask colleagues to support the sense of Congress language and continue working to make this message a reality.

The reauthorization of the Child Nutrition Act must be a tool for reducing the number of hungry and obese children in the United States. GAO recently analyzed domestic food assistance and found (quote) "participation in 7 of the programs we reviewed—including WIC, the National School Lunch Program, the School Breakfast Program, and SNAP—is associated with positive health and nutrition outcomes consistent with programs' goals, such as raising the level of nutrition among low-income households, safeguarding the health and wellbeing of the nation's children, and strengthening the agricultural economy." These are goals I believe we can all support.

Mr. MCGOVERN. Mr. Chairman, I want to thank the gentlelady from Missouri for her leadership and her co-sponsorship of this amendment.

I yield 2 minutes to the gentleman from Georgia (Mr. Bishop).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to join Representatives MCGOVERN and EMERSON as an original cosponsor of this bipartisan amendment, which affirms the intention of Congress to combat domestic childhood obesity and hunger in the interest of our national security.

According to the July 2009 Trust for America's Health Report, the percentage of obese and overweight children ages 10 to 17 is at or above 30 percent in 30 States. Seven of the top 10 States are in the South, with my State of Georgia ranked third, with 37.3 percent of obese and overweight youngsters.

Obesity is especially prevalent in the African American and Latino communities. Overweight and obese teens are at risk of developing diabetes, heart disease, cancer, stroke, arthritis and breathing problems and American children are disproportionately impacted.

In a recent report, Too Fat to Fight, over 100 retired generals and admirals wrote that obesity among children and young adults is so dramatically that it threatens not only our Nation's health but the future of our military. Between 1995 and 2008, the military had 140,000 individuals, a 70 percent increase, who showed up at the centers for processing, but failed their entrance physicals because they were too heavy, and 1,200 enlistees were discharged before their contracts were up. And now being overweight is the leading medical cause for rejection from military service.

Mr. Chairman, proper nutrition, healthy food, ending hunger and access to physical activity for our youth are vital to ensuring that our Nation's military remains strong into the future.

I urge my colleagues to support this important amendment and the strong effort to support and maintain a strong national defense by assuring strong and healthy Armed Forces.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. FORBES), a member of the committee.

Mr. FORBES. Thank you, Mr. Chairman.

I yield myself the balance of the time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman.

I would like to thank the ranking member for his service today. Mr. Chairman, I was excited, as I was reading some articles in my office before I came over here, the leadership of the House has finally moved us up to where we now have an 18 percent approval rating across the country.

That means that only 82 percent of the Americans feel that this body doesn't have a clue about where we need to go or why. The reason is because, as hard as they try to find it, there is one thing they can't find in any of these walls and under any of these chairs, and that is just simple common sense.

Because, Mr. Chairman, when they go to buy something, they know the first thing they need to do is ask how much does it cost? And yet we pass a health care bill, and we don't even really look at all the facts. We just want to get out of here. And later we find out it costs the whole lot more than what we thought it would, and we just come back up and say, well, that's just the way it is. We're getting ready to do the same thing, because when they take any action in their business, one of the first things they want to do is say, What's the effect going to be on that particular action?

Mr. Chairman, as we look at this provision on trying to remove the Don't Ask, Don't Tell policy that is currently the policy for DOD, we hear our Chiefs of Staff in one voice: Admiral Mullen says, just wait and get the facts before you make a decision. Just some common sense. We have General Schwartz, the Chief of Staff of the Department of Air Force saying, just wait and get the facts. Let us do the study before you make a decision. Just some common sense. And we have General Casey from the Army saying, just wait and get the facts before you make a decision. Just some common sense. And we have General Conway who says, just wait and get the facts before you make a decision. Just some common sense.

But what some individuals want to do on this House floor is—same thing we do with so many other things—bury the common sense: let's just push for it. We'll get the facts later, let's just pass the provision now. And that's why, Mr. Chairman, I hope that this body will protect this authorization bill and not pass the amendment to remove Don’t Ask, Don’t Tell. Mr. MCGOVERN, Mr. Chairman, I yield myself the balance of the time.

Hunger and obesity are critical issues to our military and to the health and well-being of our Nation. Sixty-nine percent of our military recruits are now turned away because they were undernourished. Today they are rejected because they are fat. The school lunch program allows our children to eat during the school day. We must improve it so that more nutritious meals are served at schools, so that every child has access to school meals.

We talk a lot about health care in this Chamber. I should point out to my colleagues that according to the American Public Health Association, "Left unchecked, obesity will add nearly $244 billion to the Nation’s annual health care costs by 2018 and account for more than 21 percent of health care spending."

This is a health issue. This is a commonsense issue. This is a national security issue. This amendment expresses the House’s support for this effort to end hunger and to make sure
The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON.

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 2.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 offered by Mr. SKELTON. Amendments numbered 20, 22, 23, 26, 27, and 45 printed in House Report 111-498:

AMENDMENT NO. 20 OFFERED BY MR. BURTON OF INDIANA

The text of the amendment is as follows:

Page 452, after line 10, insert the following:

SEC. 1065. SENSE OF CONGRESS REGARDING PRESIDENTIAL LETTERS OF CONDOLENCE TO THE FAMILIES OF MEMBERS OF THE ARMED FORCES WHO HAVE DIED BY SUICIDE.

(a) FINDINGS.—Congress finds that—

(1) suicide is a growing problem in the Armed Forces that cannot be ignored;

(2) a record number of military suicides was reported in 2008, with 128 active-duty Army and Air Force members and 9 active-duty Navy members;

(3) the number of military suicides during 2009 is expected to equal or exceed the 2008 total;

(4) long-standing policy prevents President Obama from sending a condolence letter to the family of a member of the Armed Forces who has died by suicide;

(5) members of the Armed Forces sacrifice their physical, mental, and emotional well-being for the freedoms Americans hold dear;

(6) the military family also bears the cost of defending the United States, with military spouses and children sacrificing much and standing ready to provide unending support to their spouse or parent who is a member of the Armed Forces;

(7) the loss of a member of the Armed Forces to suicide directly and tragically affects military spouses and children, as well as the United States;

(8) much more needs to be done to protect and address the mental health needs of members of the Armed Forces, just as they serve to protect and defend the freedoms of the United States;

(9) a presidential letter of condolence is not only about the deceased because it also serves as a sign of respect for the grieving family and an acknowledgment of the family for their personal loss; and

(10) a lack of acknowledgment and condolence from the President only leaves these families with an emotional vacuum and a feeling that somehow their sacrifices have been less than the sacrifices of others.

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

(1) the current policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide only serves to perpetuate the stigma of mental illness that pervades the Armed Forces;

(2) the President, as Commander-in-Chief, should overturned the policy and treat all military families equally.

AMENDMENT NO. 22 OFFERED BY MR. HOLDEN OF MARYLAND

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 507. Combat Medevac Badge.

(a) AMENDMENTS:

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3757. Combat Medevac Badge

(2)getClassy.(a) FINDINGS.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy, Marine Corps, or the Coast Guard served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.

(3) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘8757. Combat Medevac Badge’’.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

§ 8757. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(3) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘8629. Combat Medevac Badge’’.

(d) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

§ 8629. Combat Medevac Badge

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

‘‘8629. Combat Medevac Badge’’.

(3) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘8757. Combat Medevac Badge’’.

(e) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3757. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(f) AIR FORCE.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

§ 5677. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(g) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(h) AIR FORCE.—

(1) IN GENERAL.—Chapter 557 of title 10, United States Code, is amended by adding at the end the following new section:

§ 5577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(i) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(j) AIR FORCE.—

(1) IN GENERAL.—Chapter 557 of title 10, United States Code, is amended by adding at the end the following new section:

§ 5577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(k) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(l) AIR FORCE.—

(1) IN GENERAL.—Chapter 557 of title 10, United States Code, is amended by adding at the end the following new section:

§ 5577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(m) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(n) AIR FORCE.—

(1) IN GENERAL.—Chapter 557 of title 10, United States Code, is amended by adding at the end the following new section:

§ 5577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(o) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(p) AIR FORCE.—

(1) IN GENERAL.—Chapter 557 of title 10, United States Code, is amended by adding at the end the following new section:

§ 5577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(q) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

§ 3577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.

(r) AIR FORCE.—

(1) IN GENERAL.—Chapter 557 of title 10, United States Code, is amended by adding at the end the following new section:

§ 5577. Combat Medevac Badge

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

‘‘8757. Combat Medevac Badge’’.
The text of the amendment is as follows:

At the end of subtitle I of title V, add the following new section:

SEC. 6. SENSE OF CONGRESS CONCERNING AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR PERSONNEL.

It is the sense of Congress that—

(1) the amendments made to section 12731 of title 10, United States Code, by section 474 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 160) were intended to reduce the minimum age at which members of a reserve component of the Armed Forces would begin receiving retired pay according to time spent deployed, by three months for every 90-day period served on active duty; and

(2) steps should be taken to correct this erroneous interpretation by the Department of Defense in order to ensure reserve component members receive the full retirement benefits intended to be provided by such section 12731.

AMENDMENT NO. 27 OFFERED BY MR. KENNEDY OF HAWAII

The text of the amendment is as follows:

Page 274, after line 13, insert the following:

Page 274, line 14, strike "(E)" and insert "(F)".

Page 274, line 15, strike "(F)" and insert "(G)".

Page 274, line 16, strike "(G)" and insert "(H)".

Page 274, line 17, strike "(II)" and insert "(I)"

AMENDMENT NO. 45 OFFERED BY MR. TIM MURPHY OF PENNSYLVANIA

The text of the amendment is as follows:

At the end of title VI, add the following new section:

SEC. 6. REPORT ON PROVISION OF ADDITIONAL INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.

Not later than 90 days after the date of the enactment of this Act, the Surgeon General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. The report shall specifically identify the positions in most critical need for additional health care professionals, including the number of positions and whether additional behavioral health professionals, such as psychologists and psychiatrists, are needed to treat members of the Armed Forces for the growing concerns of post traumatic stress disorder and traumatic brain injury. The report shall include recommendations for providing incentives for health care professionals with more than 20 years of clinical experience to join the active or reserve components, including whether changes in age or length of service requirements to qualify for partial retired pay for non-regular service could be used as a recruitment or retention incentives.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. Skelton) and the gentleman from California (Mr. McKeon) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. I thank the esteemed Chairman SKELTON, my dear friend, for yielding.

Mr. Chairman, over eight terms in Congress I have served on every security committee, including three terms on the Armed Services Committee whose bill I am once again proud to support.

As a rookie Member of Congress in 1993, I sat in the most junior chair on the HASC. Just a few feet away from the witness table. Then-Chairman of the Joint Chiefs, Colin Powell, testified in favor of the Clinton administration’s Don’t Ask, Don’t Tell policy. I drew a deep breath and told the general that I thought Don’t Ask, Don’t Tell was unconstitutional. I opposed it then, and I oppose it now.

No good has ever come of that policy. And I applaud the personal courage of current Joint Chiefs Chairman Admiral Mike Mullen who told Congress, “No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.”

The en bloc amendment which we are now debating includes language I coauthored with Rules Committee Chairman Slaughter to give victims of military sexual trauma the ability to seek a base transfer. MST is an epidemic which subjects a growing number of servicemembers to serious assault and rape. It is horrifying that women in our military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq or Afghanistan. MST must end, and this bill makes a very good start.

Let me make some general comments about our national security. We can’t wish away the threats facing our Nation. We, like generations of American men and women, must rise to meet them. We must be realistic about our vulnerabilities, about the capabilities of our adversaries, and of our allies to help us. We must be wise enough to recognize that we will not prevail through military might alone.

Our military, diplomatic, and development efforts are tools to an end—security, and eventually peace. These are dangerous times, and they require a tough response. We have the strategy in this bill, we have the strength in men and women who serve courageously in our military and intelligence services, and we have our values. We will not fail.

I urge the adoption of the en bloc amendment. Support the Murphy amendment. Support the en bloc amendment.

Mr. McKEON. Mr. Chairman, I claim the time in opposition, although I am not opposed to this amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 10 minutes.
I rise in support of amendment No. 23, which reauthorizes the Joint Family Support Assistance Program. This program has been providing critical support to the unsung heroes of the global war on terror, the families left behind of deploying Guard and Reserve soldiers.

As the Department of Defense stated in its report to Congress on the implementation of this program: “The Guard and Reserve are experiencing significantly increased mobilizations as a result of the Global War on Terrorism, and families who have previously had limited exposure to the demands resulting from separations due to military deployments must now deal with the likelihood of longer and often multiple deployments to the servicemember.”

Issues like single parenting, keeping a house running through all kinds of weather conditions, traumatized children missing a parent, all of these issues have been dealt with through the scope of the support systems programs. They work by compiling a Military OneSource program, one location coordinating the many resources available within our local community in support of these families, a one-stop shop able to make certain there is coordination for military, Federal, State and local resources.

For families on military bases who are deployed, it’s very clear the support systems are there and what they need. But families like to Guard and Reserve soldiers, especially spread across rural areas like North Dakota, it’s less clear sometimes where the support can come from.

I am so proud of the North Dakota National Guard and Reserve families that have stood in support of their deploying soldiers, and we’ve had a bunch of them—3,500 soldiers, 1,800 airmen on multiple deployments. We need to support their families, and I urge permanent authorization of this program. Mr. Chair, I rise today in support of the Pomery Amendment to permanently reauthorize the Joint Family Support Assistance Program, JFSAP.

This program has been providing critical support to the unsung heroes of Global War on Terror families of deployed soldiers. Since its inception three years ago, the JFSAP program has been providing critical support to Guard and Reserve families, especially those families who do not live near military installations and therefore do not have access to many of the family support functions available on those bases. As the Department of Defense stated in its initial report to Congress on the implementation of this program, “The Guard and Reserve are experiencing significantly increased mobilization as a result of the Global War on Terrorism, and families who have previously had limited exposure to the demands resulting from separations due to military deployments, must now deal with the likelihood of longer and often multiple deployments of the service member.” These families are now coping with the stress of separation from a loved one for up to a year, which can lead to many difficult issues. A spouse may now be faced with single parenting for the first time, children being separated from one or both of their parents, and many not able to get the necessary separation and when the service member returns home they sometimes have a difficult time readjusting to civilian life. Families located on or near a military installation have access to a wide range of programs to deal with these issues that regularly arise due to the deployment of a loved one. Without a coordinated program families are faced with the requirement to seek this assistance out through a patchwork of entities increasing the possibility that they do not receive aid when they need it most.

Once fully implemented the JFSAP in North Dakota will offer a Military OneSource Specialist to coordinate programs, a Financial Military Life Consultant, to help families with financial issues, a Youth MFLC to help coordinate services for children, an Adult MFLC to assist with the needs of service members, spouses and other family members, and an Operation Military Kids consultant to help set up programs and activities for the children of service members. The North Dakota National Guard has seen significant deployments since September 11, 2001 deploying more than 3,500 soldiers and over 1,800 Airmen, many of those individuals have been deployed multiple times. This program’s continuation is vital to providing the services and support that those families deserve.

The N.D. Nat’l Guard Families know there will be more deployments on the future which means the work of this program has that begun. This critical program was originally authorized in the 2007 National Defense Authorization Act for three years and it must now be reauthorized. My amendment would make this permanent so allowed to continue to provide critical support for Guard and Reserve families. I believe that this amendment will have broad bipartisan support and I urge its passage.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), a member of the committee.

Mr. HUNTER. I thank the ranking member for yielding.

America right now is locked in combat against a dangerous enemy in Afghanistan, facing the constant threat of terror, and families need is any unnecessary or harmful distractions.
As a marine who has served downrange in both Iraq and Afghanistan, I have personally witnessed that the current policy of Don’t Ask, Don’t Tell works and the repeal of current law does not work. I have lived with, eaten with, cooked with, and fought with my fellow marines overseas three times. Some military lawyers may think that this amendment looks good on paper, but in effect it will destroy the combat readiness of our forces. Our chiefs now should be on achieving victory and returning our military home safely.

The standards of conduct for members of the Armed Forces, the unique conditions of military service, and the critical role of our military unit members receive the full retirement benefits that they have earned. The committee has indicated in its report that it believes the current interpretation of the law to be inaccurate. I look forward to working with the committee and the Department of Defense to address and to correct this issue of fairness to our guardsmen and reservists who are being asked to meet increasing demands.

I urge my colleagues to support this effort.

The standards of conduct for members of the Armed Forces regulate a member’s life for 24 hours each day, beginning at the moment the member enters military status and not ending until that person is discharged or other ways are separated from the Armed Forces. Those standards of conduct, including the Uniform Code of Military
Justice, apply to a member of the Armed Forces at all times if the member has military status, whether or not the individual is on base or not in uniform or not.

The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment. The worldwide deployment of the United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and work conditions that are often spartan, primitive and that are characterized by forced intimacy with little or no privacy.

The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in unique circumstances of the military service. Tolerance does not require a moral equivalency.

Do not repeal this.

Mr. SKELETON. Mr. Chairman, I ask unanimous consent to reclaim my time.

The Acting CHAIR. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Acting CHAIR. The gentleman from Missouri has 6 minutes remaining.

Mr. SKELETON. I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Thank you, Mr. SKELETON, for yielding.

Mr. Chairman, I would just like to correct a couple of issues that Mr. MCKEON and others have brought up.

The committee has held hearings on Don’t Ask, Don’t Tell. In fact, my subcommittee held two hearings on this very topic. Every Member of the House and even those not on the committee were welcomed to attend. Unfortunately, most of the Republicans who have criticized this process failed to show up to either hearing.

The Members who did attend the second hearing, held on March 3 of this year, heard one of the cochairs of the DOD working group say, “The issue is not whether but how best” to implement repeal.

All along, the purpose of the study has been “how” to implement repeal, not “if” to end this policy. That is the purpose of the working group’s meetings, and that is why it is so important for our servicemembers and their families to participate in whatever activities they choose which are related to this.

I just wanted to make that correction, Mr. Chairman.

Mr. SKELETON. I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I want to thank Chairman SKELETON and Mr. MCKEON for their good work on this legislation, helping to provide for our soldiers, sailors, airmen, coastguardsmen, and for all of those who serve our country in this war on terrorism.

Mr. Chairman, as we approach Memorial Day, I want to thank our servicemen and women for their service to our great country.

When they come home, the war that they fought on our behalf sometimes just begins. It begins for them personally. It is time to try to cope with the many challenges healthwise that they have been encumbered with because of their service to our country, and they shouldn’t have to worry one bit that they don’t have us to back them up 100 percent. They need to know that we are there for them just as they have been for us.

That is why, in this legislation, we have the best and the latest in medicine for brain research and for neuroscience technology in order to make sure that the signature wounds in this war, traumatic brain injury and posttraumatic stress disorder, are researched properly and that they are researched at the evidence-based level by the Department of Defense.

Our soldiers deserve no less than the best when it comes to making sure that their challenges and their wounds are addressed. The Department of Defense needs to do that.

We make it a priority in this authorization bill. When we do that in this bill, we also do that for this country because, just as they did overseas, they are not only going to kick down the doors over there; they are going to kick down the doors here at home when it comes to advancing mental health and neuroscience for all Americans.

What we are learning is thanks to these great soldiers who are serving this country so proudly. God bless all of our armed forces. Let them know that we stand behind them over there and when they get back here at home as well.

The Acting CHAIR. The gentleman from Missouri has 3 minutes remaining.

Mr. SKELETON. I yield 1 minute to a friend, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairman for yielding.

Certainly, the debate the minority keeps bringing up about Don’t Ask, Don’t Tell is very important, and we will have that vigorous debate.

Mr. Chairman, I think many Americans don’t really place whether gays and lesbians can serve in the military as the number one thing they worry about in national security. I think they’re probably more worried about something I call a nuclear IED going off in Times Square.

It is important to look at the work that the two parties have done together that is reflected in this bill to prevent that day from happening. There is a program which identifies, gathers up, secures, and eventually disperses of the material that could make a nuclear bomb which would make that horror story happen.

In 2008, we devoted $190 million to that program. Frankly, it was lagging behind. We weren’t identifying, securing, or disposing of enough of it. This year, we are putting $559 million into that, which means more nuclear material will be identified, locked down, disposed of, and the risk that we will have a terrible situation like I just described will be diminished.

This is the real work of the defense committee, and it deserves everyone’s support.

Mr. SKELETON. I yield 2 minutes to my friend, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Thank you, Mr. Chairman, for yielding.

Mr. Chairman, we will soon be considering an amendment, the Pingree amendment, which would strip away competition in the F–35, the Joint Strike Fighter, with the competitive engine program.

This Congress, on nine different occasions, has stood up for competition, and as recently as this Congress with the Weapon Systems Acquisition Reform Act of 2009, where the House passed the conference report 411–0. In section 202, we talk about the acquisition strategies to ensure competition throughout the life cycle of major defense acquisition programs.

It is estimated, Mr. Chairman, that 5,000 engines will be ordered for the Joint Strike Fighter—5,000 engines.

The proponents of this amendment would have us do away with the competition despite the fact that this Congress has invested almost $3 billion in this competition today. Now that we award and ready the competitive engine is ready to move forward, they want to say, Stop, Stop the race before it even starts.

We know better than that, Mr. Chairman. We know better because we learned on the F–15 and on the F–16. We know that this will reduce costs in the long term. As my grandmother would say, this is a penny wise and a pound foolish.

Just just this year, in March of 2010, the GAO report suggests that this goes beyond financial speculation. We know that this is going to save money. Beyond the finances, there are nonfinancial benefits—better performance, increased reliability, and improved contractor responsiveness.

This is critically important. If for the next couple of decades we are going to rely upon this knowledge for our men and women in uniform, we need to make sure that it is reliable. We need to make sure that there is competition.

I urge my colleagues to reject the Pingree amendment.

☐ 1600

The Acting CHAIR. The question is on the amendments en bloc offered by
the gentleman from Missouri (Mr. SKELDON).

The amendments en bloc were agreed to.

AMENDMENT NO. 80 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. Mr. BLUMENAUDEL is now in order to consider amendment No. 80 printed in House Report 111–498.

Ms. PINGREE of Maine. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 80 offered by Ms. PINGREE of Maine:

Page 35, strike line 9 and all that follows through page 37, line 13, and insert the following:

(b) CERTIFICATIONS.—Not later than January 15, 2011:

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned for completion in 2010 were accomplished; and

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F–35 aircraft for the service variant;

(D) block 1.0 software has been released and is in flight test; and

(E) the Secretary of Defense has—

(i) determined that two F–35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F–35C aircraft designated as CF–1 has effectively accomplished its first flight;

(B) the 394 F–35 aircraft test flights planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F–35 aircraft for the service variant;

(D) block 1.0 software has been released and is in flight test; and

(E) the Secretary of Defense has—

(i) determined that two F–35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F–35C aircraft designated as CF–1 has effectively accomplished its first flight;

(B) the 394 F–35 aircraft test flights planned in the schedule for delivery during 2010 have been completed with sufficient results;

(C) the 672 flight test points planned for completion in 2010 were accomplished; and

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters.

Page 49, strike line 7 and all that follows through page 52, line 3, and insert the following (and redesignate section 214 as section 213):

SEC. 212. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.—(1) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F–35 Joint Strike Fighter Program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

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

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

(2) will not—

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

(B) result in the procurement of fewer F–35 Joint Strike Fighter aircraft during the lifecycle of the program.

(d) OFFSETS:

(1) NAVY JOINT STRIKE FIGHTER F33 DEVELOPMENT.—The amount authorized to be appropriated by section 201(b) for research, development, test, and evaluation for the Navy is hereby decreased by $242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800F) for F135 development.

Page 286, strike line 17 and all that follows through page 288, line 23, and insert the following:

SEC. 802. DESIGNATION OF F135 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAM.—Not later than 30 days after the enactment of this Act, the Secretary of Defense shall designate the engine development and procurement program described in subsection (b) as a major subprogram of the F–35 Lightning II major defense acquisition program, in accordance with section 2303a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement program is the F135 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements in section 2303a(b) of title 10, United States Code, for the major program designated under subsection (a), the Secretary shall use the Milestone B decision document as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F–35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2303a of title 10, United States Code, during fiscal year 2010, the Secretary shall make such reassessment and actions with respect to the F135 engine development and procurement program (including related reporting based on the original baseline as provided in subsection (c)), the requirements of section 2303a of such title with respect to the major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2303a of title 10, United States Code, with respect to the major subprogram designated under subsection (a) only to the extent that designations for such subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2303a for such a subprogram upon enactment of this Act. The requirements of such section 2303a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2303a(a)(5) of such title) for the subprogram.
Therefore, I strongly support the inclusion of funding to complete the development of the F-136 competitive engine for the Joint Strike Fighter. I reserve the balance of my time.

Mr. CARDOZA of Connecticut. At this time I yield 45 seconds to the distinguished gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I thank my friend for yielding.

I rise today in support of the Pingree amendment to the National Defense Authorization Act. I understand and respect the passions expressed by my friends on both sides of this issue, but I believe today we must stand firmly on the side of fiscal responsibility and refuse to fund a redundant engine that our military leaders and our Commander in Chief all said is unnecessary and unwarranted.

When I was back home in my district, I often hear my constituents say that we never cut anything, and we never can say no. Today I am saying no, and I think this House should as well. I don’t think we need two engines on this plane.

I believe that we need to save $3 billion every time we get a chance. Today we can make a difference for this deficit. Our country cannot afford to waste precious tax dollars funding this program the military says they don’t need.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. SMITH), the chairman of the Air and Land Forces Subcommittee of the Committee.

Mr. SMITH of Washington. Mr. Chairman, the second engine is all about fiscal responsibility and saving the taxpayers money. The Pentagon themselves funded this program for 10 years, and they funded it because they knew that competition mattered.

One thing has already been said in this debate that simply isn’t true: The first engine was not competitively bid. It was that engine that Lockheed had when they won the bid, and there was no competition. They didn’t win that; they didn’t bid that. That is why the Pentagon originally created the second engine program, to make sure that over the 20- to 40-year lifecycle of a $100 billion program, they had options.

A GAO study on the competitive engine program for the F-16 from the early 1980s showed savings of almost 20 percent over the lifetime of that program, who for five years have supported this second engine program, have support it precisely because we want to save the taxpayers money.

The simple argument is competition works, and being penny-wise and pound-foolish doesn’t. We have already spent $3 billion. To save $2 billion on the front end, we risk a $100 billion program. Please oppose this amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. WESTMORELAND), the distinguished chairman of the Armed Services Committee.

Mr. SKELOTT. Mr. Chairman, I speak in favor of the committee position, which is to have an alternate engine for the F-35. If one looks at the graph of the F-16 alternate engine program, one will clearly notice that from the mid-1980s the costs of the engines went down because of the competition.

Competition is important. Single source often causes a steep increase in price.

Last year, this House passed the Weapons System Acquisition Reform Act, which requires more competition in Department of Defense programs, and I feel that this position of the Armed Services Committee does and is up to that reform act, requiring more competition. It is as simple as that.

Mr. LARSON of Connecticut. Mr. Chairman, may I inquire as to how much time we have remaining?

The Acting CHAIR (Mr. SERRANO). Both sides have 2 1/4 minutes remaining.

Mr. LARSON of Connecticut. I yield 45 seconds to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, let me say that there has been some competition in the engine for the F-35, and that competition is when the bids were due. That bid was perfectly legal and honest and upfront, and the bid was awarded.

Now we have got somebody that actually has a contract for 14 of the 24 military aircraft engines, sole source, complaining about competition. They lost the competition.

Mr. Chairman, if they lost the competition in an open and honest bid, having the sole source of 14 of the 24 military aircraft engines, what can be the argument?

Mr. MCKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY of Texas. Mr. Chairman, I thank the ranking member for yielding.

I want to speak in favor of competition. Competition works. Our work on the IMPROVE Act shows that. I am against this amendment. There was no competition. Under Secretary Ashton Carter, on the record in front of the committee, said there was no competition between these two engines. Competition works. It drives down the costs, and we need those cost savings over the term of a 40-year program.

At first amendment #80 offered by Representative PINGREE and others. The Pingree amendment would result in a sole source contract to a single engine manufacturer for the Joint Strike Fighter. But few can argue with the premise that competition is good for the taxpayer.

In fact, the Department of Defense has training materials for its acquisition workforce to teach them the benefits of competition and how to cultivate it. For example, here are a few highlights from DoD’s required training on competition, dated May 5, 2010. These training materials provide the benefits of competition:

- Drives cost savings; Improves quality of product/service; Enhances solutions and the industrial base; Promotes fairness and openness leading to public trust; Prevents waste, fraud, and abuse, because contractors know they must perform at a high level or else be replaced; Healthy competition is the lifeblood of commerce—it increases the likelihood of efficiencies and innovations.

Let us look at what the key drivers of competition are. Principally, it’s the law! The Competition in Contracting Act of 1984 requires competition in contracting. Competition isn’t an alternative, it’s required.

The emphasis on competition comes from the top. On March 4, 2009 in a memorandum for the Heads of Executive Departments and Agencies, President Barack Obama stated, “It is the policy of the Federal Government that executive agencies shall not engage in non-competitive contracts except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer.”

Yet, we have yet to see such a justification, nor have we seen any evidence of additional safeguards being put into place.

In fact, in DoD’s training materials, they note we have circumstances less than barriers to competition. In this instance, none of these circumstances apply:

- Unique/critical mission or technical requirements (We have 2 contractors capable of meeting technical requirements.)
- Industry move toward consolidation (We still have 2 viable engine manufacturers.)
- Urgent requirements in support of war operations (The JSF is not being procured to support today’s operations.)
- Congressional adds or earmarks (Unless this amendment passes, Congress will not have directed funding for the engine to go to a particular manufacturer.)
- Proprietary data rights developed at private expense (Does not apply. These are new engines.)
- Insufficient technical data packages (Does not apply.)
- Contracting personnel shortages and increased workload (The competitive engine was funded by DoD until 2006 and continues to be funded by Congress. There is no increased workload.)
- Time Restraints (The competitive engine is already under development and there is time. At best, the F-25 will not reach initial operational capability for 2-4 years.)

But the emphasis on competition comes not only from the President. This Congress, just one year ago, unanimously passed the Weapon Systems Acquisition Reform Act of 2009.

The bill states that:

Major Defense Acquisition Programs shall adopt acquisition strategies that ensure competition at the program, program office, and subcontract level throughout program life-cycle.

When a decision is made to award maintenance & sustainment contract for major weapon system, DoD will ensure to maximum extent possible & consistent with law that the sustainment contract be competitively awarded.

Likewise, less than one month ago, this Congress passed the IMPROVE Acquisition Act of 2010, by a vote of 417-3. This bill also focused on the need to expand the industrial base, provide training on competition, and to ensure competition is maintained in services contracts.

What’s more, since DoD stopped funding the competitive engine in 2006, Congress has...
Mr. McKEON. Mr. Chairman, I now yield 30 seconds to the gentleman from Georgia (Mr. SCOTT), the vice chair of the Terrorism, Nonproliferation and Trade Subcommittee of the Committee on Foreign Affairs.

Mr. SCOTT of Georgia. Mr. Chairman, I want to speak on something that we have not touched upon, and that is what we need to touch upon the most, and that is what is in the best interests of our national security.

Here we are debating this issue: Do we want the future of an engine production in the hands of one monopoly company for 30 years and put $100 billion in it?

Ladies and gentlemen, by the year 2035, the F–35 will account for 85 percent of our entire aircraft fleet for our fighter squadrons. It is very important that we have this balanced in the hands of more than one manufacturer. We need to vote down this amendment.

The Acting CHAIR. The gentleman from Connecticut has 30 seconds remaining.

Mr. LARSON of Connecticut. I yield the balance of my time.

We need to vote down this amendment.

Mr. MCKEON. Mr. Chairman, I now yield 30 seconds to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE asked and was given permission to revise and extend his remarks.

Mr. PENCE. Mr. Chairman, I rise in opposition to the efforts to eliminate the engine competition for the F–35 Joint Strike Fighter. In the interests of full disclosure, let me say how proud I am of the more than 4,000 Hoosier employees of Rolls Royce who worked to develop this engine. But that is not why I am here.

I am here because I really do believe, as the Heritage Foundation has cited, that the essential choice between us today is competition or sole-source contracting. Either we can require two companies to engage in head-to-head competition each year for the next 30 years or we can give one company a sole-source contract worth $100 billion for the next 30 years. Which do you think is more in the interests of the taxpayers?

Oppose this amendment.

Mr. BUYER. I have heard it all. To say that competition causes wasteful spending is to make an argument that is pernicious. Are you kidding me?

I defended Connecticut when it came to Electric Boat. You came to the floor and you argued about competition, competition against Newport News. I am glad we did, now that we have got welder problems with those submarines.

Now you think sole source and competition is bad? Are you kidding me, Mr. Chairman? Do not be dishonest. Let’s get down to the debate, all right? Let’s defend our industrial base. That is what is extremely important. Let’s also protect the Transatlantic Alliance.

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Oppose this amendment.
paths for propulsion systems and technological innovation that can address problems that arise such as potential aircraft weight growth.

The essential choice before us is between competition and sole source contracting. Either we have multiple companies to engage in head-to-head competition each year for the next 30 years—or give one company a sole source contract worth $100 billion for the next 30 years. Which do you think is most likely to control costs and deliver the best engine to the American taxpayer?

The answer is clear: competition provides an important cost-control mechanism in defense procurement, it encourages innovation, and mitigates risk.

I urge my colleagues to support competition and military flexibility, and oppose the Pingree Amendment.

Mr. MCKEON. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS asked and was given permission to revise and extend his remarks.

Mr. ANDREWS. Mr. Chairman, Members should ask themselves these questions in deciding this issue: When it comes to saving money, would you rather have two people competing or one for your business?

When it comes to protecting the fleet, the ability to fly, would you rather rely upon one company or two to keep the fleet flying?

When it comes to competition, should you presume that competition works or presume that it shouldn’t?

To save money, to protect the fleet, to promote competition, we should oppose this amendment.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. MCINTYRE), a member of the committee.

Mr. MCINTYRE asked and was given permission to revise and extend his remarks.

Mr. MCINTYRE. Mr. Chairman, this amendment would add $20 billion to the deficit by eliminating the savings that the amendment would add to the bill.

Mr. INSLEE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we, all Americans, believe in a strong national defense; and all Americans believe in a fair, level playing field in economic competition.

And in the competition for the procurement contract for the Air Force tanker to preserve national defense infrastructure, to preserve fairness, we need to amend this bill to ensure that unfair competitive advantage, illegal subsidies, in fact, are taken into consideration in this bidding process.

We have prepared an amendment that will do that, that will insist that in this bidding process that it be conducted fairly, that any bidder, domestic or foreign, has an unfair competitive advantage, that is taken into consideration.

Now, why do we need to do this? Well, there are 50,000 American jobs at stake, and nothing in international law compels us to provide a stimulus program for France. We are required to do this because we know American aerospace workers can compete if they have a level playing field with workers in Europe.

Our bill is, number one, fair. It applies to both domestic and foreign bidders. Number two, it’s WTO compliant.

Mr. TIAHRT. Mr. Chairman, every day it becomes more and more difficult to create and keep jobs here in America. We’ve got the best aerospace workers in the world. But over the last few years, 65,000 aerospace jobs have left America and migrated to France.

The European Government has subsidized building jets, and finally the World Trade Organization ruled that those start-up subsidies are illegal.

And now our own Pentagon is buying a new air refueling tanker a new jet, and they have decided to turn their backs on the American aerospace workers by ignoring these illegal start-up subsidies and putting another 65,000 jobs at risk.

This amendment is about fairness to the American aerospace workers. It simply says, in spite of all the lobbying efforts that have occurred by the French, Mr. Secretary, if you insist on receiving a bid from the French, then you have to take into consideration the dollar impact of the illegal subsidies. Support this amendment, and it’s a matter of fairness to the American aerospace workers.

Mr. Chairman, for the purposes of a colloquy, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Is it your intention and your understanding that the language in the amendment regarding the unfair competitive advantage describes illegal subsidies such as illegal launch aid provided by EADS and Airbus by the European governments as ruled by the World Trade Organization?

Mr. INSLEE. Yes. And it is our intent, with this amendment, to ensure that illegal and unfair competitive advantages, such as the launch aid provided to EADS/Airbus by the European governments, are factored into the bid price of recipients of those illegal subsidies.

Mr. TIAHRT. Thank you. That’s also my intent and understanding of this language.

Mr. INSLEE. Mr. Chairman, I reserve the balance of my time.

Mr. BONNER. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Alabama is recognized for 5 minutes.

Mr. BONNER. That’s interesting listening to both sides of this debate. We actually, I think, see this amendment in two different ways, and yet we are going to end up being on the same side.

This amendment, as it has been revised, is far superior to the form in which it existed less than 24 hours ago.
The amendment now applies in an evenhanded way to both competitors in the tanker competition and, for that reason, I think we have made the amendment better.

However, allow me to offer a word of caution to my colleagues that take up our consideration. As my colleagues know, this ongoing procurement process that, in fact, was mandated by Congress, is just weeks away, July 9, in fact, from where both companies are going to turn in their final bid. And unless we conclude this entire process up, we're only a few months away from selecting a winner and finally moving forward to building the replacement for the Air Force's 50-plus-year-old fleet of tankers.

The word of caution to my friends is this: Congress needs to be very careful that we do not inadvertently build obstacles or additional delay into this program. After all, our warfighters have waited long enough.

We must be extremely careful that we maintain a level playing field that is essential for vigorous competition. We all know that competition will dramatically increase the odds of a better tanker at a better price, and there are only two companies in the world that are qualified to build these tankers.

To that point, on Tuesday of this week, the Department of Defense reiterated that "we would not have welcomed EADS North America's participation into this important competition unless they were a company in good standing with the Department of Defense."

Those of us who support EADS' bid have long argued for a level playing field, one in which both sides can compete fairly. Some on one side, however, appear to fear that fair competition is not possible unless it is a sole-source contract, a blank check signed by the American taxpayer.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BRIGHT), my friend and my distinguished colleague who serves on this committee of jurisdiction.

Mr. BRIGHT. Mr. Chairman, I rise today to thank the Armed Services, Rules, and Ways and Means Committees for intervening on this amendment to make it much less harmful than it was originally written.

The committee recognizes, as do I, that the Fair Defense Competition Act, on which this amendment is based, is deeply flawed and would have significant international trade implications. Considering the fact that the original bill has been deemed unworkable, I hope we can put this issue to rest and proceed to get our warfighters the best tanker available for the best value to the taxpayer.

For nearly a decade, the Defense Department has sought to replace its aging fleet of refueling tankers. There have been numerous problems with that process, and a source selection effort that should have ended years ago is only now getting close to final resolution.

If anything, Congress should avoid doing anything that would complicate an already drawn out competition. The Department of Defense should be able to award a contract based on the merits and the value, without political or parochial considerations.

That said, I do not believe this particular amendment will have a significant impact on the process. The American warfighter and taxpayer deserves the best refueling tanker. Let's get out of the way and let the Department of Defense make a decision based on the facts, not distractions.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, we can give a $35 billion contract for the next generation tanker to an American company, Boeing, creating an estimated 62,000 to 70,000 U.S. jobs over the life of the contract, can give the contract to a European company, Airbus/EADS, thus creating tens of thousands of jobs in Europe.

This should be an easy call, a no-brainer. In fact, the decision is even clearer now knowing that Airbus has been provided almost $6 billion in illegal subsidies from European governments, subsidies which have cost us an estimated 65,000 U.S. aerospace jobs.

The amendment before us directs the Department of Defense to take any unfair competitive advantage into account in the Air Force tanker competition. The Pentagon should not be rewarding bad behavior. U.S. taxpayers should not be asked to pay for an overseas jobs creation program for the European aerospace industry.

I urge my colleagues, support this amendment, stand up for American workers and basic fairness in tanker competition.

Mr. BONNER. Mr. Chairman, I would just like to respond briefly to the gentleman from Connecticut, our friend and distinguished colleague, to set the record straight.

When EADS wins the competition this time, as they did the previous time, they intend to create almost 48,000 jobs in the United States, many of which, quite honestly, will be in my district in Alabama. But they will be in all 50 States. So this is not a competition between American jobs and European jobs. This is American jobs throughout the country between two great competitors.

Mr. Chairman, I reserve the balance of my time. Mr. INSLEE. I yield 30 seconds to the gentlewoman from Washington (Ms. DICKs).

Ms. DICKs. Mr. Chairman, I want my friend from Alabama to recognize that nobody would have objected to him getting additional time.

Another point is that Airbus received $5.7 billion in subsidy from the governments of Europe. This gives it an unfair advantage in the bidding on this airplane, and that's why we want the Secretary of Defense to at least take that into account.

The WTO has already determined that this was an illegal subsidy that harmed the United States of America and has cost us thousands of jobs. We must pass this amendment.

Mr. DICKs. With that, I would like to respond to my distinguished chairman and my friend from Washington with this point. The WTO has only had an interim ruling, and everyone knows that. And within weeks, the WTO should be able to consider the complaint of the European Union against Boeing.

To that point, $16.6 billion in R&D subsidies have been recorded for Boeing versus $3.7 billion for Airbus, $2 billion in export-related tax subsidies, $6 billion in local and State government subsidies, and $2 billion in foreign government subsidies for moving manufacturing jobs out of your State, my friend, into Japan and into Italy.

I yield back the balance of my time.

Mr. INSLEE. I just want my colleagues to realize there is a clear difference between these two bidders. One has been adjudicated as having received over $5 billion of illegal subsidies. That is the same contractor that will take tens of thousands of jobs to Europe that would otherwise be in the United States of America. It is untenable in today's world for the Pentagon to not take that into consideration.

Here is one message to the people who are doing such a great job for us in the Department of Defense. We realize the hour of this debate, but we will not fix this until this is taken into consideration.

The Acting CHAIR. The time of the gentleman has expired.
The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. INSLEE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed. The time for any electronic vote after the gentleman from Washington will be postponed.

Not voting—16

So the amendment was agreed to. The result of the vote was announced as above recorded.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. SKELTON) on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SKELTON of Missouri.

Amendment No. 4 by Mr. MARSHALL of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 16, as follows:

(Roll No. 310)

AYES—421

Ackerman
Adler
Aderholt
Davis (AL)
Boehner
DeFazio
DelGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dodd
Donnelly (NY)
Downey
Engel
Eskridge
Faleomavaega
Fallin
Fletcher
Filner
Fincher
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franczak
Furman
Gaila
Garbarino
Garamendi
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The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

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COOPER (NY) Van Hollen (MD)

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ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Clerk will announce the amendments as above recorded.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. ANDREWS

Mr. ANDREWS—Mr. Chairman, pursuant to House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I offer amendments en bloc No. 3.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 offered by Mr. ANDREWS consisting of amendments numbered 29, 34, 40, 46, 48, 52, and 54 printed in House Report 111–498.

AMENDMENT NO. 29 OFFERED BY MR. PASCHELL OF NEW JERSEY

The text of the amendment is as follows:

Page 279, after line 16, insert the following:

(e) COGNITIVE IMPAIRMENT SCREENINGS.—Until the comprehensive policy under subsection (a) is implemented, the Secretary shall use the same cognitive screening tool for pre-deployment and post-deployment screening to compare new data to previous baseline data for the purposes of detecting cognitive impairment (as described in section 168(e)(6) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note)) for each member of the Armed Forces—

(1) who returns from a deployment in support of a contingency operation; and

(2) who completes a neurocognitive assessment prior to the implementation of a new pre-deployment and post-deployment screening tool.

(f) CONCLUSION OF STUDIES ON COGNITIVE ASSESSMENT TOOLS.—Not later than September 30, 2011, the Secretary of Defense shall complete any outstanding comparative studies on the effectiveness of various cognitive screening tools, including existing tools used for pre-deployment and post-deployment screenings, for the implementation of the comprehensive policy under subsection (a).

AMENDMENT NO. 31 OFFERED BY MS. HARMAN OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle C of title XVI, add the following new section:

SEC. 1646. EXPEDITED CONSIDERATION AND PRIORITY FOR APPLICATION FOR CONSIDERATION OF A PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONSIDERATIONS FOR VICTIM OF SEXUAL ASSAULT.

(a) In General.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

"673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault

"(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.—To the maximum extent practicable, the Secretary shall provide for the expedited consideration and approval for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

"(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.

"(c) SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

"(1) In General.—Not later than September 24, 2010, the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

"(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.

AMENDMENT NO. 40 OFFERED BY MR. WALCZ OF MINNESOTA

The text of the amendment is as follows:

Strike subtitle F of title VI and insert the following new subtitle:

Subtitle F—Alternative Career Track Pilot Program

SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CAREER TRACK FOR COMMISSIONED OFFICERS BROADENING ASSIGNMENTS

(a) PROGRAM AUTHORIZED.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

"673. Alternative career track for commissioned officers pilot program

"(a) PROGRAM AUTHORIZED.—(1) Under regulations prescribed pursuant to subsection (g) and approved by the Secretary of Defense, the Secretary of the military department may establish a pilot program for an armed force under the jurisdiction of the Secretary under which an eligible commissioned officer, while on active duty—

"(A) participates in a separate career track characterized by expanded career opportunities extending over a longer career;

"(B) agrees to an additional active duty service obligation of at least five years to be served concurrently with other active duty service obligations; and

"(C) would be required to accept further active duty service obligations, as determined by the Secretary, to be served concurrently with other active duty service obligations, including the active duty service obligation accepted under subparagraph (B), in connection with the completion of education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion.

"(2) The Secretary of the military department concerned may waive an active duty service obligation accepted under subparagraph (B) or (C) of paragraph (1) to facilitate the separation or retirement of a participant in the program.

"(3) The program shall be known as the ‘Alternative Career Track Pilot Program’ (in this section referred to as the ‘program’).

"(b) ELIGIBLE OFFICERS.—Commissioned officers with between 13 and 18 years of service are eligible to volunteer to participate in the program.
“(c) NUMBER OF PARTICIPANTS.—No more than 50 officers of each armed force may be selected per year to participate in the program.

(4) ALTERNATIVE CAREER ELEMENTS OF PROGRAM.—(1) The Secretary of the military departments may establish separate basic pay and special and incentive pay and promotion systems, unique to the officers participating in the program, without regard to the requirements of this title, title 37, or administrative year cohort designation.

(2) The Secretary of the military departments may establish separate basic pay and special and incentive pay and promotion systems, unique to the officers participating in the program, without regard to the requirements of this title, title 37, or administrative year cohort designation.

(3) Participants serving in a grade below brigadier general or rear admiral (lower half) may serve in the grade without regard to the limits on the number of officers in the grade established under this title.

(4) (e) TREATMENT OF GENERAL AND FLAG OFFICER PARTICIPANTS.—(1) A participant serving in a grade above colonel, or captain in the Navy, below lieutenant general or admiral, shall—

(A) counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position requiring the assignment of a military officer; but

(B) excluded from limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position not typically occupied by a military officer.

(2) A participant serving in the grade of lieutenant general, vice admiral, general, or admiral shall be counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers.

(5) RETURN TO STANDARD CAREER PATH; EFFECT.—(1) The Secretary of the military departments retain the authority to involuntarily return an officer to the standard career path.

(2) The Secretary of the military department concerned may return an officer to the standard career path at the request of the officer.

(3) If the program is terminated pursuant to paragraph (4) or (5) of subsection (i), officers participating in the program at the time of the termination shall be returned to the standard career path with appropriate adjustments to administrative record to ensure they are not penalized for participating in the pilot program.

(4) An officer returned to the standard career path under paragraph (1), (2), or (3) shall retain the grade, date of rank, and basic pay level earned while a participant in the program but shall revert to the special and incentive pay authorities established in title 37 upon the expiration of the agreement between the Secretary and the officer providing any special and incentive pays under the program. Subsequent increases in the officer’s rate of monthly basic pay shall conform to the annual percentage increases in basic pay rates provided in the basic pay table.

(5) Services will adjust the military departments’ cohort year group to the appropriate year to ensure the officer remains competitive for all promotions and command opportunities in their career.

(g) ANNUAL REPORT.—(1) The Secretaries of the military departments, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing the findings and recommendations of the Secretary of Defense and the Secretaries of the military departments concerning the progress of the program for each armed force.

(2) The Secretary of the military department, with the consent of the Secretary of Defense, may include in the report for a year a recommendation that the program be made permanent or retained under the jurisdiction of that Secretary.

(b) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out the program. The regulations shall be subject to the approval of the Secretary of Defense.

(1) COMMITMENT DURATION.—(1) Before authorizing the commencement of the program for an armed force, the Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed program structure of the alternative career track, associate personnel and compensation policies, implementing instructions and regulations, and a summary of the specific provisions of title 37 to be waived under the program. The authority to conduct the program for that armed force commences 120 days after the date of the submission.

(2) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may authorize the program after December 31, 2026.

(3) If the program for an armed force has not commenced before December 31, 2015, as provided in paragraph (1), the authority to commence the program for that armed force terminates.

(4) No officer may be accepted to participate in the program after December 31, 2026.

(5) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may terminate the pilot program for an armed force after December 31, 2026.

(6) The Secretary of the military department concerned, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the reasons for the termination.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the section number 672 the following new item:

“H4016. Alternative career track for commissioned officers pilot program.”

AMENDMENT NO. 54 OFFERED BY MR. HARE OF ILLINOIS

The text of the amendment is as follows:

Page 219, after line 5, insert the following:

SEC. 599. REPORT ON EXPANSION OF NUMBER OF HEIRLOOM CHEST AWARDED TO SURVIVING FAMILIES.

The text of the amendment is as follows:

The Secretary of the Army shall submit to the congressional defense committees a report on the heirloom chest policy of the Army, including:

(1) a detailed explanation of such policy;

(2) the plans of the Secretary to continue the heirloom chest program; and

(3) an estimate of the procurement costs to expand the number of such chests to additional family members.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Acting CHAIR. The gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, this en bloc amendment represents a combination of Members in both parties: a very thoughtful, a lot of excellent ideas that the committee is pleased to support. So I would urge the committee to adopt the amendments en bloc, each of which has been examined by both the majority and the minority.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. The gentleman from California is recognized.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman from California for yielding.

I rise in support of the en bloc amendments, but I rise in opposition to the Murphy amendment, which will repeal Don’t Ask, Don’t Tell, which is the current law for the U.S. military.

Our Nation is at war, and after making the continuous sacrifice of fighting two wars over the course of 8 years, the men and women of our military deserve...
to be heard. This December, the Pentagon’s Don’t Ask, Don’t Tell Working Group will return a survey of over 300,000 of our members of our military concerning that policy. We should listen to the men and women in uniform first before moving forward.

This decision should not be based on a campaign promise made to a particular constituent base, but on thoughtful consideration of readiness, morale, and cohesion. We owe that to the men and women who serve us in harm’s way.

In the committee, we have heard from all four of our service chiefs expressing their concerns on this amendment, and it is unanimous. The Chiefs and Secretary Gates and Admiral Mullen recently sent a letter to the chairman of the committee, Chairman SKEETON, saying that they believe in the strongest possible terms that the Department must, prior to any legislative act, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change, develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. That is Admiral Mullen and Secretary Gates.

Further, Admiral Roughead has sent a letter. It says he shares the views of Secretary Gates that the best approach would be to complete the Department of Defense review before there is any legislative change made.

Further, General Schwartz has said that as a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before any legislative act is done to repeal Don’t Ask, Don’t Tell.

General Casey has the same type of response. He goes further saying, “Repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before any legislation is advanced.” And, finally, General Conway stated that he believes the current policy works, and at this point his best military advice to the House committee and to the Secretary and to the President would be to keep the law as it stands today.

In addition, Congress is giving up its powers, surrendering, abdicating its constitutional authority to the executive branch in order to appease a political agenda.

\[1730\]

This amendment, as drafted, puts a conditional future on an important defense policy and law, which would then only be decided by the administration.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. The gentleman yield an additional minute.

Mr. SHUSTER. I believe Congress should maintain its authority to re-

view and debate this policy implication of repealing Don’t Ask, Don’t Tell before a final decision is made. We owe that to the men and women of the Armed Forces.

To my colleagues, I urge them: Don’t shoot before you aim. I urge a “no” vote on the Murphy amendment.

The SECRETARY OF DEFENSE,

Hon. Ike SKEETON,
Chairman, Committee on Armed Services, Washington, D.C.

Dear Mr. Chairman: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the “Don’t Ask—Don’t Tell” statute prior to the completion of the Department of Defense review of this matter.

I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. A critical element of this effort is to systemically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully.

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will do so, as it would send a very damaging message to our men and women in uniform that in essence their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

ADM. MICHAEL G. MULLEN,
Chairman of the Joint Chiefs of Staff,
Washington, D.C.

ROBBY ROUGHEAD,
Secretary of Defense.

CHIEF OF NAVAL OPERATIONS,
May 26, 2010.

Hon. Howard P. “Buck” MCKEON,
Chairman, House of Representatives,
Washington, D.C.

Dear Mr. Chairman: As a follow-up to our phone call today, the following represents my personal views about the proposed amendment concerning section 654 of title 10, United States Code.

I testified in February about the importance of the comprehensive review that began in March and is now well underway within the Department. We need this review to fully assess our force and carefully examine potential impacts of a change in the law. I have spoken with Sailors and follow flag officers alike about the importance of conducting the review in a thoughtful and deliberate manner. Our Sailors and their families need to clearly understand that their voices are part of the review process, and I need their input to develop and provide my best military advice.

I share the view Secretary Gates that the best way forward is to complete the DOD review before there is any legislation to change the law. My concern is that legislative changes at this point, regardless of the precise language used, cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters. Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

Sincerely,

NORTON A. SCHWARTZ,
General, USAF Chief of Staff

U.S. ARMY,
THE CHIEF OF STAFF,
May 26, 2010.

Hon. John MCAInn, Ranking Member, Committee on Armed Service,
U.S. Senate, Washington, D.C.

Dear Senator Mcainc: I agree with the review process. and I need their input to develop and provide my best military advice.

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue and what the impacts are, and unit cohesion might be, so that I can provide informed military advice to the President and the Congress.

I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

Sincerely,

GEORGE W. CASEY JR.,
General, United States Army.

May 26, 2010.

Hon. Howard P. “Buck” Mckewoni, Ranking Member, Committee on Armed Services,
House of Representatives, Washington, D.C.

Dear Congressmen Mckenion: During testimony, I spoke of the confusion that I had as a Service Chief in the DOD Working Group that Secretary Gates laid out in the wake of President Obama’s guidance on “Don’t Ask—Don’t Tell.” I felt that an organized and systematic approach on such an important issue was precisely the way to develop “best military advice” for the Service Chiefs to offer the President.

Further, the value of surveying the thoughts of Marines and their families is
that it signals to my Marines that their opinions matter.

I encourage the Congress to let the process of the Secretary of Defense create a bill that runs its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great Nation.

Very Respectfully,

JAMES T. CONWAY, General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. ANDREWS. I yield myself 2 minutes before I yield to my friend from New Jersey.

Mr. Chairman, the minority, for understandable reasons, wants to continue talking about the Murphy amendment, which is not on the floor. Again, to set the record straight, the Murphy amendment has reflected the views of the Joint Chiefs of Staff and of the Secretary of Defense for a very long time. The question has been not "if" we are going to repeal Don't Ask, Don't Tell, but when.

The Murphy amendment says that the policy will not be repealed. It will stay in effect until such time as the chairman of the Joint Chiefs of Staff and the Secretary of Defense certify that nothing about that repeal will in any way undermine the security of the country, the efficiency of the Armed Forces or their effectiveness.

Now, the minority wants to keep talking about this. I think the American people, Mr. Chairman, are a lot more concerned about some of the terrorism threats this country is actually facing.

By the way, one of the reasons those terrorism threats are more difficult is that we don't have enough Arabic-speaking persons in the intelligence units of our Armed Forces. At least several dozen, perhaps several hundred, Arabic-speaking persons have been expelled from the Armed Forces because of their sexual orientation. That doesn't strike me as a very good way to protect national security.

Beyond that, though, a good way to protect national security, which is in this bill, is to strengthen our special forces. This legislation spends $9.8 billion on our Special Operations Command, the highest in the history of the country.

So, when we call upon brave Americans to kick down that door or to do a commando raid in any dark corner of the world, which is going to prevent a terrorist attack in this country, this bill supports them. Both parties support that and both bills fund it. That is the issue that is actually before the American people.

At this time, I yield 2 minutes to some who have done tremendous work on dealing with brain injuries and other traumas associated with brain injuries, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I thank my friend from New Jersey for yielding.

Mr. Chairman, 7 years into war, we are still not properly screening and treating our troops for traumatic brain injury, known as the signature injury of those wars. This is unacceptable.

My amendment today builds on the requirements for the cognitive screening outlined in the 2008 defense authorization bill, which most of us voted for, to identify soldiers for possible brain injury.

My amendment ensures the same tool is used for pre- and post-deployment cognitive screenings. It requires the Department of Defense to complete comparative studies in order to find the best cognitive screening tool for our troops. The fiscal year 2008 defense authorization bill required predeployment and postdeployment screenings of soldiers' cognitive ability.

It is right in the law. Congress passed it. The President at that time, President Bush, signed it. Two years later, the law has not been fulfilled. The Department of Defense has implemented predeployment screening using a computerized tool known as ANAM, the Automated Neuropsychological Assessment Metric.

The Army released a memo in November 2008, which just came to our attention 2 months ago. It states, "Routine postdeployment ANAM testing is not authorized." We came upon this totally by accident. This is not what Congress passed in bipartisan support.

As a result, less than 1 percent of the 550,000 members of the Armed Forces have been given postdeployment cognitive screenings. This is in violation of the intent of the 2008 defense authorization.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ANDREWS. I yield 1 additional minute to the gentleman from New Jersey.

Mr. PASCRELL. Instead of using the same test, the military uses a simple questionnaire for postdeployment screenings—a written examination.

These assessments are not comparable. They do not detect changes to a soldier's brain. Just like in sports, the key to pre- and postinjury assessment is a uniform tool. When you have a baseline, you are better able to compare.

As cochair of the Congressional Brain Injury Task Force, I recognize the need to help both our military and civilian populations in addressing brain injury. My amendment, which is endorsed by the Iraq and Afghanistan Veterans of America, which has bipartisan support, ensures our troops are given the proper cognitive screenings today and in the future.

I ask my colleagues to support my amendment.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I rise in opposition to the Murphy amendment.

Mr. ANDREWS. Parliamentary inquiry.

Mr. Chairman. The Acting CHAIR. The time of the gentleman may state his parliamentary inquiry.

Mr. ANDREWS. Is the Murphy amendment before the committee at this point?

The Acting CHAIR. The Committee is debating en bloc amendments as previously announced.

Mr. ANDREWS. The gentleman said he was rising in opposition to the Murphy amendment. Would those remarks be in order at this time?

The Acting CHAIR. That is a hypothetical question at this stage of the proceedings.

Mr. ANDREWS. I understand. Thank you. I excuse me for interrupting, sir.

Mr. PENCE. I'm pleased to yield to the gentleman from New Jersey for a parliamentary inquiry at any time. I rise in opposition to the Murphy amendment.

Let me say I do so because I believe that American people don't want to see the American military used to advance a liberal political agenda, especially when the men and women who serve in the military haven't had a say in the matter, and they have been promised to have a say. We have correspondence from leading voices in the American military who have suggested, were the Congress today to enact this legislation, it would break faith with our men and women in uniform.

Now, let me concede to one point. I was raised by a combat veteran. I did not wear the uniform of the United States, but I have strong objections to repealing Don't Ask, Don't Tell. I believe that that compromise of 17 years ago has been a successful compromise. It has preserved unit cohesion. It has preserved morale. It has enabled us to go forward with readiness and recruitment without interruption. It, of course, itself, was a compromise that represented an historic change from the policy of the American military.

Yet what is being advanced here today in repealing Don't Ask, Don't Tell would represent a fundamental change in the nature and in the culture of our military. It ought to be carefully and thoroughly explored among the men and women who are doing the work in uniform, and it is being explored today.

The Department of Defense has commissioned, as we all know here, a confidential survey of some 350,000 service men and their families—100,000 active duty, 70,000 duty spouses, 100,000 reserve component military, 80,000 reserve component spouses—to determine their input on the effects and concerns if Don't Ask, Don't Tell is repealed.

Yet here we are in Congress, even though this survey will not be completed until August and the report itself, will not be delivered to Congress until December, and we are hurrying along what is, for all intents and purposes, the legislative bill that would enable the full repeal of Don't Ask, Don't Tell.

I urge my colleagues in Congress to take a breath, to stop, particularly
here, as we stand just a few days before that day in which we, all of us, Republicans and Democrats, will set aside all politics, and we will remember those who did not come home.

Why can’t we today also show respect for the men and women who wear the uniform today and listen to what they have to say?

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCECON. I yield the gentleman 1 additional minute.

Mr. PENCE. I urge my colleagues to oppose the Murphy amendment.

Let me say again: The American people don’t want the American military used as a vehicle to advance a liberal political agenda, especially when the men and women who serve in our military haven’t had a say in the matter. That is what this Congress is poised to do today. Make no mistake about it.

I urge my colleagues, regardless of what one thinks about social issues and social values, to respect our military. Let’s respect men and women in uniform. Let’s hear them out before we introduce such an enormous change in the culture and in the practice of the American military, one that would be represented by the repeal of Don’t Ask, Don’t Tell.

Mr. ANDREWS. Mr. Chairman, before I yield to my friend, I yield myself 90 seconds.

The gentleman from Indiana’s point about the servicemembers being listened to is absolutely right, which is why Mr. Murphy’s amendment says, I will comment since he did—if after hearing the comments of the servicemembers the Secretary of Defense and the chairman of the Joint Chiefs of Staff believe that there would be an impairment of their ability to defend the country, they would not certify to the change in the policy.

There is an echo in this debate, which is a quote from prior debate: The President’s move would seriously impair the morale of the Army at a time when our Armed Forces should be at their strongest and most efficient. Such an action is most unfortunate, the Senator declared.

The quote is taken from Senator Lister Hill in 1948. The issue was the racial integration of the Armed Forces in 1948. I think this is the same issue.

Mr. PENCE. Would the gentleman yield?

Mr. ANDREWS. Yes, I would yield. I urge the gentleman for the courtesy.

Mr. Chairman, I would simply pose a question to the gentleman. Did not the author of this amendment say that it is not whether we will repeal Don’t Ask, Don’t Tell but how and when, from recent press reports?

Mr. ANDREWS. Reclaiming my time, I don’t know precisely what the author said—he will speak—but I do know that Secretary Gates and Admiral Mullen have said that. Admiral Mullen has said he feels repeal is the right policy. The issue is when and how, which is what Mr. Murphy’s amendment addresses.

I would at this time be happy to yield 2 minutes to my friend who is focused on the issue of departing servicemembers, when they separate from service, and their knowing their rights and opportunities, the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Chairman, thousands of active duty servicemembers are returning home from Afghanistan and Iraq every year, many of these individuals serving continuously, having enlisted right out of high school or college.

For years, they have lived a structured military life on bases and abroad. This structure makes for a well-disciplined and a well-trained military force, but it can also make for a difficult transition back to civilian life.

Many returning servicemembers have no experience with saving or budgeting or with credit, taxes, and/or mortgages. As a result, many military families are falling into unmanageable debt, bankruptcy, and foreclosure.

My amendment, which is part of this en bloc amendment, seeks to alleviate these concerns. It simply expands the military’s existing preseparation counseling program to include a personal finance component. When this takes effect, military families will reenter civilian life with the information they need to build a stable, long-term financial future.

I encourage all of my colleagues to support our military families by supporting this amendment.

Secondly, Mr. Chairman, throughout both of our Democratic and Republican administrations, the White House has maintained a policy against providing letters of condolence to the families of suicide victims. This is a major issue for my constituency, which I have been working on for months.

I have had a number communications with the White House and with the Department of Defense expressing these concerns. Fortunately, the President was kind enough to send a personal letter of condolence to a local family who was affected by suicide.

I would like to wholeheartedly thank President Obama for this meaningful gesture, and I encourage him to continue on this path and to finally overturn this misguided White House policy.

Our men and women in uniform sacrifice for our country both physically and mentally, but despite the occasional exception, the current policy ignores the sacrifice these men and women make, and it disregards the suffering of their families.