

111TH CONGRESS
2^D SESSION

H. R. 5136

AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
 5 thorization Act for Fiscal Year 2011”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into four divi-
 9 sions as follows:

10 (1) Division A—Department of Defense Au-
 11 thorizations.

12 (2) Division B—Military Construction Author-
 13 izations.

14 (3) Division C—Department of Energy Na-
 15 tional Security Authorizations and Other Authoriza-
 16 tions.

17 (4) Division D—Implementing Management for
 18 Performance and Related Reforms to Obtain Value
 19 in Every Acquisition Act.

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

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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 Free-
 dom.

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- Sec. 1067. Sense of Congress regarding recreational hunting and fishing on military installations.
- Sec. 1068. Sense of Congress encouraging the President to order the United States flag to be flown over United States military and civilian outposts in Haiti during earthquake relief efforts.
- Sec. 1069. Study on optimal balance of manned and unmanned aerial vehicle capability.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Authority for the Department of Defense to approve an alternate method of processing equal employment opportunity complaints within one or more component organizations under specified circumstances.
- Sec. 1102. Clarification of authorities at personnel demonstration laboratories.
- Sec. 1103. Special rule relating to certain overtime pay.
- Sec. 1104. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- 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.
- Sec. 1110. Federal Internship Programs.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Expansion of authority for support of special operations to combat terrorism.
- Sec. 1202. Addition of allied government agencies to enhanced logistics interoperability authority.
- Sec. 1203. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
- Sec. 1204. Air Force scholarships for Partnership for Peace nations to participate in the Euro-NATO Joint Jet Pilot Training Program.

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

- Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
- Sec. 1212. Commanders' Emergency Response Program.
- Sec. 1213. Modification of authority for reimbursement to certain coalition nations for support provided to United States military operations.
- Sec. 1214. Modification of report on responsible redeployment of United States Armed Forces from Iraq.
- Sec. 1215. Modification of reports relating to Afghanistan.
- Sec. 1216. No permanent military bases in Afghanistan.
- Sec. 1217. Authority to use funds for reintegration activities in Afghanistan.
- Sec. 1218. One-year extension of Pakistan Counterinsurgency Fund.
- Sec. 1219. Authority to use funds to provide support to coalition forces supporting military and stability operations in Iraq and Afghanistan.
- Sec. 1220. Requirement to provide United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers.
- Sec. 1221. Limitation on availability of funds for elections in Afghanistan.
- Sec. 1222. Recommendations on oversight of contractors engaged in activities relating to Afghanistan.
- Sec. 1223. Report on long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom.

Subtitle C—Other Matters

- Sec. 1231. NATO Special Operations Coordination Center.
- Sec. 1232. National Military Strategic Plan to Counter Iran.
- Sec. 1233. Report on Department of Defense's plans to reform the export control system.
- Sec. 1234. Report on United States efforts to defend against threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.
- Sec. 1235. Report on force structure changes in composition and capabilities at military installations in Europe.
- Sec. 1236. Sense of Congress on missile defense and New Start Treaty with Russian Federation.
- Sec. 1237. Report on the strategic implications of the successful negotiation of an incidents at sea agreement between the United States and the Government of Iran.
- Sec. 1238. Requirement to monitor and evaluate Department of Defense activities to counter violent extremism in Africa.
- Sec. 1239. Report on certain Iraqis affiliated with the United States.

TITLE XIII—COOPERATIVE THREAT REDUCTION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Study on working capital fund cash balances.
- Sec. 1403. Modification of certain working capital fund requirements.
- Sec. 1404. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.

- Sec. 1405. National Defense Sealift Fund.
- Sec. 1406. Chemical agents and munitions destruction, defense.
- Sec. 1407. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1408. Defense Inspector General.
- Sec. 1409. Defense Health Program.

Subtitle B—National Defense Stockpile

- Sec. 1411. Authorized uses of National Defense Stockpile funds.
- Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

Subtitle C—Other Matters

- Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1422. Plan for funding fuel infrastructure sustainment, restoration, and modernization requirements.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS
FOR OVERSEAS CONTINGENCY OPERATIONS

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1504. Navy and Marine Corps procurement.
- Sec. 1505. Air Force procurement.
- Sec. 1506. Defense-wide activities procurement.
- Sec. 1507. Iron Dome short-range rocket defense program.
- Sec. 1508. National Guard and Reserve equipment.
- Sec. 1509. Mine Resistant Ambush Protected Vehicle Fund.
- Sec. 1510. Research, development, test, and evaluation.
- Sec. 1511. Operation and maintenance.
- Sec. 1512. Limitations on availability of funds in Afghanistan Security Forces Fund.
- Sec. 1513. Limitations on Iraq Security Forces Fund.
- Sec. 1514. Military personnel.
- Sec. 1515. Working capital funds.
- Sec. 1516. Defense Health Program.
- Sec. 1517. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1518. Defense Inspector General.
- Sec. 1519. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
- Sec. 1520. Availability of funds for rapid force protection in Afghanistan.
- Sec. 1521. Treatment as additional authorizations.
- Sec. 1522. Special transfer authority.
- Sec. 1523. Report on mine resistant ambush protected vehicles.

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.

Subtitle A—Immediate Actions to Improve Department of Defense Sexual
Assault Prevention and Response Program

- Sec. 1611. Specific budgeting for Department of Defense sexual assault prevention and response program.
- Sec. 1612. Consistency in terminology, position descriptions, program standards, and organizational structures.
- Sec. 1613. Guidance for commanders.
- Sec. 1614. Commander consultation with victims of sexual assault.
- Sec. 1615. Oversight and evaluation.
- Sec. 1616. Sexual assault reporting hotline.
- Sec. 1617. Review of application of sexual assault prevention and response program to reserve components.
- Sec. 1618. Review of effectiveness of revised Uniform Code of Military Justice offenses regarding rape, sexual assault, and other sexual misconduct.
- Sec. 1619. Training and education programs for sexual assault prevention and response program.
- Sec. 1620. Use of sexual assault forensic medical examiners.
- Sec. 1621. Sexual Assault Advisory Board.
- Sec. 1622. Department of Defense Sexual Assault Advisory Council.
- Sec. 1623. Service-level sexual assault review boards.
- Sec. 1624. Renewed emphasis on acquisition of centralized Department of Defense sexual assault database.

Subtitle B—Sexual Assault Prevention Strategy and Annual Reporting Requirement

- Sec. 1631. Comprehensive Department of Defense sexual assault prevention strategy.
- Sec. 1632. Annual report on sexual assaults involving members of the Armed Forces and sexual assault prevention and response program.

Subtitle C—Amendments to Title 10

- Sec. 1641. Sexual Assault Prevention and Response Office.
- Sec. 1642. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
- Sec. 1643. Sexual assault victims access to legal counsel and Victim Advocate services.
- Sec. 1644. Notification of command of outcome of court-martial involving charges of sexual assault.
- Sec. 1645. Copy of record of court-martial to victim of sexual assault involving a member of the Armed Forces.
- Sec. 1646. Medical care for victims of sexual assault.
- Sec. 1647. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates.
- Sec. 1648. Expedited consideration and priority for application for consideration of a permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault.

Subtitle D—Other Matters

- Sec. 1661. Recruiter selection and oversight.
- Sec. 1662. Availability of services under sexual assault prevention and response program for dependents of members, military retirees, Department of Defense civilian employees, and defense contractor employees.

- Sec. 1663. Application of sexual assault prevention and response program in training environments.
- Sec. 1664. Application of sexual assault prevention and response program in remote environments and joint basing situations.

TITLE XVII—FEDERAL INFORMATION SECURITY

Subtitle A—Federal Information Security Amendments

- Sec. 1701. Coordination of Federal Information Policy.
- Sec. 1702. Information security acquisition requirements.
- Sec. 1703. Technical and conforming amendments.
- Sec. 1704. Effective date.

Subtitle B—Federal Chief Technology Officer

- Sec. 1711. Office of the Chief Technology Officer.

TITLE XVIII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

- Sec. 1801. Short title.
- Sec. 1802. Recognition of the suffering and loyalty of the residents of Guam.
- Sec. 1803. Payments for Guam World War II claims.
- Sec. 1804. Adjudication.
- Sec. 1805. Grants program to memorialize the occupation of Guam during World War II.
- Sec. 1806. Authorization of appropriations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date.
- Sec. 2004. General reduction across division.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects and authorization of appropriations.
- Sec. 2102. Family housing.
- Sec. 2103. Use of unobligated Army military construction funds in conjunction with funds provided by the Commonwealth of Virginia to carry out certain fiscal year 2002 project.
- Sec. 2104. Modification of authority to carry out certain fiscal year 2009 project.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2010 project.
- Sec. 2106. Extension of authorizations of certain fiscal year 2008 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects and authorization of appropriations.
- Sec. 2202. Family housing.
- Sec. 2203. Technical amendment to reflect multi-increment fiscal year 2010 project.
- Sec. 2204. Extension of authorization of certain fiscal year 2008 project.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects and authorization of appropriations.
- Sec. 2302. Family housing.
- Sec. 2303. Extension of authorization of certain fiscal year 2007 project.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects and authorization of appropriations.
- Sec. 2402. Family housing.
- Sec. 2403. Energy conservation projects.

Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
- Sec. 2412. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects and authorization of appropriations.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects and authorization of appropriations.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects and authorization of appropriations.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects and authorization of appropriations.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects and authorization of appropriations.
- Sec. 2606. Extension of authorizations of certain fiscal year 2008 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorizations

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

Sec. 2711. Transportation plan for BRAC 133 project under Fort Belvoir, Virginia, BRAC initiative.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Availability of military construction information on Internet.
- Sec. 2802. Authority to transfer proceeds from sale of military family housing to Department of Defense Family Housing Improvement Fund.
- Sec. 2803. Enhanced authority for provision of excess contributions for NATO Security Investment program.
- Sec. 2804. Duration of authority to use Pentagon Reservation Maintenance Revolving Fund for construction and repairs at Pentagon Reservation.
- Sec. 2805. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
- Sec. 2806. Veterans to Work pilot program for military construction projects.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Notice-and-wait requirements applicable to real property transactions.
- Sec. 2812. Treatment of proceeds generated from leases of non-excess property involving military museums.
- Sec. 2813. Repeal of expired authority to lease land for special operations activities.
- Sec. 2814. Former Naval Bombardment Area, Culebra Island, Puerto Rico.
- Sec. 2815. Clarification of authority of Secretary to assist with development of public infrastructure in connection with the establishment or expansion of a military installation.

Subtitle C—Provisions Related to Guam Realignment

- Sec. 2821. Sense of Congress regarding importance of providing community adjustment assistance to Government of Guam.
- Sec. 2822. Department of Defense assistance for community adjustments related to realignment of military installations and relocation of military personnel on Guam.
- Sec. 2823. Extension of term of Deputy Secretary of Defense's leadership of Guam Oversight Council.
- Sec. 2824. Utility conveyances to support integrated water and wastewater treatment system on Guam.
- Sec. 2825. Report on types of facilities required to support Guam realignment.
- Sec. 2826. Report on civilian infrastructure needs for Guam.
- Sec. 2827. Comptroller General report on planned replacement Naval Hospital on Guam.

Subtitle D—Energy Security

- Sec. 2831. Consideration of environmentally sustainable practices in Department energy performance plan.
- Sec. 2832. Plan and implementation guidelines for achieving Department of Defense goal regarding use of renewable energy to meet facility energy needs.

Sec. 2833. Insulation retrofitting assessment for Department of Defense facilities.

Subtitle E—Land Conveyances

- Sec. 2841. Conveyance of personal property related to waste-to-energy power plant serving Eielson Air Force Base, Alaska.
- Sec. 2842. Land conveyance, Whittier Petroleum, Oil, and Lubricant Tank Farm, Whittier, Alaska.
- Sec. 2843. Land conveyance, Fort Knox, Kentucky.
- Sec. 2844. Land conveyance, Naval Support Activity (West Bank), New Orleans, Louisiana.
- Sec. 2845. Land conveyance, former Navy Extremely Low Frequency communications project site, Republic, Michigan.
- Sec. 2846. Land conveyance, Marine Forces Reserve Center, Wilmington, North Carolina.

Subtitle F—Other Matters

- Sec. 2851. Requirements related to providing world class military medical facilities.
- Sec. 2852. Naming of Armed Forces Reserve Center, Middletown, Connecticut.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Subtitle A—Fiscal Year 2010 Projects

- Sec. 2901. Authorized Army construction and land acquisition projects and authorization of appropriations.
- Sec. 2902. Authorized Air Force construction and land acquisition projects and authorization of appropriations.

Subtitle B—Fiscal Year 2011 Projects

- Sec. 2911. Authorized Army construction and land acquisition projects and authorization of appropriations.
- Sec. 2912. Authorized Air Force construction and land acquisition projects and authorization of appropriations.
- Sec. 2913. Authorized Defense Wide Construction and Land Acquisition Projects and Authorization of Appropriations.
- Sec. 2914. Construction authorization for Department of Defense facilities in a foreign country.

Subtitle C—Other Matters

- Sec. 2921. Notification of obligation of funds and quarterly reports.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.

- Sec. 3103. Other defense activities.
- Sec. 3104. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Extension of authority relating to the International Materials Protection, Control, and Accounting Program of the Department of Energy.
- Sec. 3112. Energy parks initiative.
- Sec. 3113. Establishment of technology transfer centers.
- Sec. 3114. Aircraft procurement.
- Sec. 3115. Enhancing private-sector employment through technology transfer activities.

Subtitle C—Reports

- Sec. 3121. Comptroller General report on NNSA biennial complex modernization strategy.
- Sec. 3122. Report on graded security protection policy.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011.
- Sec. 3502. Extension of Maritime Security Fleet program.
- Sec. 3503. United States Merchant Marine Academy nominations of residents of the Northern Mariana Islands.
- Sec. 3504. Administrative expenses for Port of Guam Improvement Enterprise Program.
- Sec. 3505. Vessel loan guarantees: procedures for traditional and nontraditional applications.

DIVISION D—IMPLEMENTING MANAGEMENT FOR PERFORMANCE AND RELATED REFORMS TO OBTAIN VALUE IN EVERY ACQUISITION ACT

- Sec. 100A. Short title.
- Sec. 100B. Definition of congressional defense committees.

TITLE I—DEFENSE ACQUISITION SYSTEM

- Sec. 101. Performance management of the defense acquisition system.
- Sec. 102. Meaningful consideration by Joint Requirements Oversight Council of input from certain officials.
- Sec. 103. Performance management for the Joint Capabilities Integration and Development System.
- Sec. 104. Requirements for the acquisition of services.
- Sec. 105. Joint evaluation task forces.
- Sec. 106. Review of defense acquisition guidance.

- Sec. 107. Requirement to include references to services acquisition throughout the Federal Acquisition Regulation.
- Sec. 108. Procurement of military purpose nondevelopmental items.

TITLE II—DEFENSE ACQUISITION WORKFORCE

- Sec. 201. Acquisition workforce excellence.
- Sec. 202. Amendments to the acquisition workforce demonstration project.
- Sec. 203. Incentive programs for civilian and military personnel in the acquisition workforce.
- Sec. 204. Career development for civilian and military personnel in the acquisition workforce.
- Sec. 205. Recertification and training requirements.
- Sec. 206. Information technology acquisition workforce.
- Sec. 207. Definition of acquisition workforce.
- Sec. 208. Defense Acquisition University curriculum review.
- Sec. 209. Cost estimating internship and scholarship programs.
- Sec. 210. Prohibition on personal services contracts for senior mentors.

TITLE III—FINANCIAL MANAGEMENT

- Sec. 301. Incentives for achieving auditability.
- Sec. 302. Measures required after failure to achieve auditability.
- Sec. 303. Review of obligation and expenditure thresholds.
- Sec. 304. Disclosure and traceability of the cost of Department of Defense health care contracts.

TITLE IV—INDUSTRIAL BASE

- Sec. 401. Expansion of the industrial base.
- Sec. 402. Commercial pricing analysis.
- Sec. 403. Contractor and grantee disclosure of delinquent Federal tax debts.
- Sec. 404. Independence of contract audits and business system reviews.
- Sec. 405. Blue ribbon panel on eliminating barriers to contracting with the Department of Defense.
- Sec. 406. Inclusion of the providers of services and information technology in the national technology and industrial base.
- Sec. 407. Construction of Act on competition requirements for the acquisition of services.
- Sec. 408. Acquisition Savings Program.
- Sec. 409. Sense of Congress regarding compliance with the Berry Amendment, the Buy American Act, and labor standards of the United States.
- Sec. 410. Industrial Base Council and Fund.

TITLE V—OTHER MATTERS

- Sec. 501. Clothing allowance requirement.
- Sec. 502. Requirement that cost or price to the Federal Government be given at least equal importance as technical or other criteria in evaluating competitive proposals for defense contracts.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

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

5 **SEC. 4. TREATMENT OF SUCCESSOR CONTINGENCY OPER-**
6 **ATION TO OPERATION IRAQI FREEDOM.**

7 Any law or regulation applicable to Operation Iraqi
8 Freedom shall apply in the same manner and to the same
9 extent to the successor contingency operation known as
10 Operation New Dawn, except as specifically provided in
11 this Act, any amendment made by this Act, or any other
12 law enacted after the date of the enactment of this Act.

13 **DIVISION A—DEPARTMENT OF**
14 **DEFENSE AUTHORIZATIONS**
15 **TITLE I—PROCUREMENT**
16 **Subtitle A—Authorization of**
17 **Appropriations**

18 **SEC. 101. ARMY.**

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

- 21 (1) For aircraft, \$5,986,361,000.
22 (2) For missiles, \$1,631,463,000.
23 (3) For weapons and tracked combat vehicles,
24 \$1,616,245,000.
25 (4) For ammunition, \$1,946,948,000.
26 (5) For other procurement, \$9,398,728,000.

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

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

5 (1) For aircraft, \$19,132,613,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$3,350,894,000.

8 (3) For shipbuilding and conversion,
9 \$15,724,520,000.

10 (4) For other procurement, \$6,450,208,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2011 for procurement for
13 the Marine Corps in the amount of \$1,379,044,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
15 are hereby authorized to be appropriated for fiscal year
16 2011 for procurement of ammunition for the Navy and
17 the Marine Corps in the amount of \$817,991,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2011 for procurement for the Air Force as fol-
21 lows:

22 (1) For aircraft, \$15,355,908,000.

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

24 (3) For missiles, \$5,470,772,000.

25 (4) For other procurement, \$17,911,730,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 for Defense-wide procurement in the
4 amount of \$4,399,768,000.

5 **Subtitle B—Army Programs**

6 **SEC. 111. PROCUREMENT OF EARLY INFANTRY BRIGADE**

7 **COMBAT TEAM INCREMENT ONE EQUIPMENT.**

8 (a) **LIMITATION ON PRODUCTION QUANTITIES.**—Ex-
9 cept as provided in subsection (c), the Secretary of De-
10 fense may not procure more than two brigade sets of early-
11 infantry brigade combat team increment one equipment
12 (in this section referred to as a “brigade set”).

13 (b) **APPLICABILITY TO LONG-LEAD PRODUCTION**
14 **ITEMS.**—The limitation in subsection (a) includes procure-
15 ment of a long-lead item for an element of a brigade set
16 beyond the two brigade sets authorized under such sub-
17 section.

18 (c) **WAIVER.**—The Under Secretary of Defense for
19 Acquisition, Technology, and Logistics may waive the limi-
20 tation in subsection (a) if—

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

23 (A) the initial operational test and evalua-
24 tion of the brigade set has been completed;

25 (B) the Director of Operational Test and
26 Evaluation has submitted to Congress a report

1 describing the results of the initial operational
2 test and evaluation (as described in section
3 2399(b) of title 10, United States Code) and
4 the comparative test of the brigade set;

5 (C) all of the subsystems tested in the ini-
6 tial operational test and evaluation were tested
7 in the intended production configuration; and

8 (D) all radios planned for fielding with the
9 brigade set have received the appropriate Na-
10 tional Security Agency approvals, as determined
11 by the Under Secretary; and

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

15 (d) EXCEPTION FOR MEETING OPERATIONAL NEED
16 STATEMENT REQUIREMENTS.—The limitation in sub-
17 section (a) does not apply to the procurement of individual
18 components of the brigade set if the procurement of such
19 components is specifically intended to address an oper-
20 ational need statement requirement (as described in Army
21 Regulation 71–9 or a successor regulation).

22 **SEC. 112. REPORT ON ARMY BATTLEFIELD NETWORK**
23 **PLANS AND PROGRAMS.**

24 (a) REPORT REQUIRED.—Not later than March 1,
25 2011, the Secretary of the Army shall submit to the con-

1 gressional defense committees a report on plans for field-
2 ing tactical communications network equipment. Such re-
3 port shall include—

4 (1) an explanation of the current communica-
5 tions architecture of every level of the Army;

6 (2) an explanation of the future communica-
7 tions architecture of every level of the Army;

8 (3) the quantities and types of new equipment
9 that the Secretary plans to procure in the 5-year pe-
10 riod following the date on which the report is sub-
11 mitted in order to develop the architecture described
12 in paragraph (2);

13 (4) a list of the equipment described in para-
14 graph (3) that is included in the budget of the Presi-
15 dent for fiscal year 2012 (as submitted to Congress
16 pursuant to section 1105 of title 31, United States
17 Code); and

18 (5) for each item included in the list of equip-
19 ment described in paragraph (3)—

20 (A) an updated average procurement unit
21 cost for each year of the covered 5-year period;
22 and

23 (B) the updated total Army acquisition ob-
24 jective.

1 (b) LIMITATION ON OBLIGATION OF FUNDS.—Ex-
2 cept as provided in subsection (c), of the funds authorized
3 to be appropriated by this or any other Act for fiscal year
4 2011 for procurement, Army, for tactical radios or tactical
5 communications network equipment, not more than 50
6 percent may be obligated or expended until the date that
7 is 15 days after the date on which the report is submitted
8 under subsection (a).

9 (c) EXCEPTION FOR MEETING OPERATIONAL NEED
10 STATEMENT REQUIREMENTS.—The limitation in sub-
11 section (b) does not apply to the procurement of tactical
12 radio or tactical communications network equipment if the
13 procurement of such equipment is specifically intended to
14 address an operational need statement requirement (as de-
15 scribed in Army Regulation 71–9 or a successor regula-
16 tion).

17 (d) TACTICAL COMMUNICATIONS NETWORK EQUIP-
18 MENT DEFINED.—In this section, the term “tactical com-
19 munications network equipment” means all electronic
20 communications systems operated by a tactical unit (of
21 brigade size or smaller) of the Army.

22 **SEC. 113. LIMITATION ON USE OF FUNDS FOR LINE-HAUL**
23 **TRACTORS.**

24 (a) LIMITATION.—None of the funds authorized to
25 be appropriated by section 101(5) for other procurement,

1 Army, may be obligated or expended by the Secretary of
2 the Army for line-haul tractors unless the source selection
3 is made based on a full and open competition.

4 (b) WAIVER.—The Secretary of the Army may waive
5 the limitation under subsection (a) if the Secretary cer-
6 tifies to the congressional defense committees by not later
7 than 90 days after the date of the enactment of this Act
8 that a sole source selection—

9 (1) is needed to fulfill mission requirements; or
10 (2) is more cost effective than a full and open
11 competition.

12 **Subtitle C—Navy Programs**

13 **SEC. 121. INCREMENTAL FUNDING FOR PROCUREMENT OF** 14 **LARGE NAVAL VESSELS.**

15 (a) INCREMENTAL FUNDING OF LARGE NAVAL VES-
16 SELS.—Except as provided in subsection (b), the Sec-
17 retary of the Navy may use incremental funding for the
18 procurement of a large naval vessel over a period not to
19 exceed the number of years equal to three-fourths of the
20 total period of planned ship construction of such vessel.

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

1 (1) is in the best interest of the overall ship-
2 building efforts of the Navy;

3 (2) is needed to provide the Secretary with the
4 ability to facilitate changes to the shipbuilding in-
5 dustrial base of the Navy; and

6 (3) will provide the Secretary with the ability to
7 award a contract for construction of the vessel that
8 provides the best value to the United States.

9 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
10 **MENTS.**—A contract entered into under subsection (a) or
11 (b) shall provide that any obligation of the United States
12 to make a payment under the contract for a fiscal year
13 after the fiscal year the vessel was authorized is subject
14 to the availability of appropriations for that purpose for
15 that later fiscal year.

16 (d) **DEFINITIONS.**—In this section:

17 (1) The term “large naval vessel” means a ves-
18 sel—

19 (A) that is—

20 (i) an aircraft carrier designated a
21 CVN;

22 (ii) an amphibious assault ship des-
23 ignated LPD, LHA, LHD, or LSD; or

24 (iii) an auxiliary vessel; and

1 (B) that has a light ship displacement of
2 17,000 tons or more.

3 (2) The term “total period of planned ship con-
4 struction” means the period of years beginning on
5 the date of the first authorization of funding (not in-
6 cluding funding requested for advance procurement)
7 and ending on the date that is projected on the date
8 of the first authorization of funding to be the deliv-
9 ery date of the vessel to the Navy.

10 **SEC. 122. MULTIYEAR PROCUREMENT OF F/A-18E, F/A-18F,**
11 **AND EA-18G AIRCRAFT.**

12 (a) MULTIYEAR PROCUREMENT.—

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

18 “(e) UPDATED REPORT.—With respect to a
19 multiyear contract entered into under subsection (a), the
20 Secretary of Defense may submit to the congressional de-
21 fense committees an update to the report under section
22 2306b(1)(4) of title 10, United States Code, by not later
23 than September 1, 2010.

24 “(f) REQUIRED AUTHORITY.—Notwithstanding any
25 other provision of law, with respect to a multiyear contract

1 entered into under subsection (a), this section shall be
2 deemed to meet the requirements under subsection (i)(3)
3 and (l)(3) of section 2306b of title 10, United States Code.

4 “(g) EXCEPTION TO CERTAIN REQUIREMENT.—Sec-
5 tion 8008(b) of the Department of Defense Appropriations
6 Act, 1998 (Public Law 105–56; 10 U.S.C. 2306b note)
7 shall not apply to a multiyear contract entered into under
8 subsection (a).

9 “(h) USE OF FUNDS.—

10 “(1) PROCUREMENT.—In accordance with para-
11 graph (2), the Secretary of Defense shall ensure that
12 all funds authorized to be appropriated for the ad-
13 vance procurement or procurement of F/A–18E, F/
14 A–18F, or EA–18G aircraft under this section are
15 obligated or expended for such purpose.

16 “(2) USE OF EXCESS FUNDS.—The Secretary
17 of Defense shall ensure that any excess funds are
18 obligated or expended for the advance procurement
19 or procurement of F/A–18E or F/A–18F aircraft
20 under this section, regardless of whether such air-
21 craft are in addition to the 515 F/A–18E and F/A–
22 18F aircraft planned by the Secretary of the Navy.

23 “(3) EXCESS FUNDS DEFINED.—In this sub-
24 section, the term ‘excess funds’, with respect to
25 funds available for the advance procurement or pro-

1 curement of F/A-18E, F/A-18F, or EA-18G air-
2 craft under this section, means the amount of funds
3 that is equal to the difference of—

4 “(A) the sum of—

5 “(i) the funds authorized to be appro-
6 priated by this Act or otherwise available
7 for fiscal year 2010 for the advance pro-
8 curement and procurement of F/A-18E, F/
9 A-18F, or EA-18G aircraft; and

10 “(ii) the funding levels for the ad-
11 vance procurement and procurement of
12 such aircraft for fiscal years 2011 through
13 2013 proposed by the Secretary of Defense
14 in the future-years defense program for
15 fiscal year 2011 submitted under section
16 221 of title 10, United States Code; and

17 “(B) the funds required to execute the
18 multiyear contracts for the advance procure-
19 ment and procurement of such aircraft under
20 this section.”.

21 (2) EXTENSION OF CERTIFICATION.—Para-
22 graph (2) of subsection (a) of such section is amend-
23 ed by striking “a reference to March” and inserting
24 “a reference to September”.

1 (b) FULL FUNDING CERTIFICATION.—Paragraph (1)
2 of section 8011 of the Department of Defense Appropria-
3 tions Act, 2010 (Public Law 111–118; 10 U.S.C. 2306b
4 note) is amended by inserting after “within 30 days of
5 enactment of this Act” the following: “(or in the case of
6 a multiyear contract for the procurement of F/A–18E, F/
7 A–18F, or EA–18G aircraft, by the date that is not less
8 than 30 days prior to the contract award)”.

9 **SEC. 123. REPORT ON NAVAL FORCE STRUCTURE AND MIS-**
10 **SILE DEFENSE.**

11 (a) REPORT.—Not later than March 1, 2011, the
12 Secretary of the Navy, in coordination with the Chief of
13 Naval Operations, shall submit to the congressional de-
14 fense committees a report on the requirements of the
15 major combatant surface vessels with respect to missile
16 defense.

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

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

24 (2) Whether such sea-based missile defense will
25 require increasing the overall number of combatant

1 surface vessels beyond the requirement of 88 cruis-
2 ers and destroyers in the 313-ship fleet plan of the
3 Navy.

4 (3) The number of Aegis ships needed by each
5 combatant commander to fulfill ballistic missile de-
6 fense requirements, including (in consultation with
7 the Chairman of the Joints Chiefs of Staff) the
8 number of such ships needed to support the phased,
9 adaptive approach to ballistic missile defense in Eu-
10 rope.

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

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

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

22 (7) A description of the anticipated plan for de-
23 ployment of Aegis ballistic missile ships within the
24 context of the fleet response plan.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. PRESERVATION AND STORAGE OF UNIQUE TOOL-**
3 **ING FOR F-22 FIGHTER AIRCRAFT.**

4 Subsection (b) of section 133 of the National Defense
5 Authorization Act for Fiscal Year 2010 (Public Law 111–
6 84; 123 Stat.2219) is amended by striking “2010” and
7 inserting “2011”.

8 **Subtitle E—Joint and Multiservice**
9 **Matters**

10 **SEC. 141. LIMITATION ON PROCUREMENT OF F-35 LIGHT-**
11 **NING II AIRCRAFT.**

12 (a) LIMITATION.—Except as provided in subsection
13 (c), of the amounts authorized to be appropriated by this
14 Act or otherwise made available for fiscal year 2011 for
15 aircraft procurement, Air Force, and aircraft procure-
16 ment, Navy, for F-35 Lightning II aircraft, not more than
17 an amount necessary for the procurement of 30 such air-
18 craft may be obligated or expended unless—

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

22 (2) a period of 15 days has elapsed after the
23 date of such receipt.

24 (b) CERTIFICATIONS.—Not later than January 15,
25 2011—

1 (1) the Under Secretary of Defense for Acquisi-
2 tion, Technology, and Logistics shall certify in writ-
3 ing to the congressional defense committees that—

4 (A) each of the 11 scheduled system devel-
5 opment and demonstration aircraft planned in
6 the schedule for delivery during 2010 has been
7 delivered to the designated test location;

8 (B) the initial service release has been
9 granted for the F135 engine designated for the
10 short take-off and vertical landing variant;

11 (C) facility configuration and industrial
12 tooling capability and capacity is sufficient to
13 support production of at least 42 F-35 aircraft
14 for fiscal year 2011;

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

17 (E) the Secretary of Defense has—

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

21 (ii) accepted such aircraft for delivery;

22 and

23 (F) advance procurement funds appro-
24 priated for the advance procurement of F136
25 engines for fiscal years 2009 and 2010 have ei-

1 ther been obligated or the Secretary of Defense
2 has submitted a reprogramming action to the
3 congressional defense committees that would re-
4 program such funds to meet other F136 devel-
5 opment requirements; and

6 (2) the Director of Operational Test and Eval-
7 uation shall certify in writing to the congressional
8 defense committees that—

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

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

14 (C) 95 percent of the 3,772 flight test
15 points planned for completion in 2010 were ac-
16 complished;

17 (D) the conventional take-off and land var-
18 iant low observable signature flight test has
19 been conducted and the results of such test
20 have met or exceeded threshold key perform-
21 ance parameters;

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

1 (F) not less than 1,000 test hours have
2 been completed in the F136 system develop-
3 ment and demonstration program.

4 (c) WAIVER.—After January 15, 2011, the Secretary
5 of Defense may waive the limitation in subsection (a) if
6 each of the following occurs:

7 (1) The written certification described in sub-
8 section (b)(1) is submitted by the Under Secretary
9 of Defense for Acquisition, Technology, and Logis-
10 tics not later than January 15, 2011.

11 (2) The Under Secretary of Defense for Acqui-
12 sition, Technology, and Logistics certifies in writing
13 to the congressional defense committees that the
14 failure to fully achieve the milestones described in
15 subsection (b)(2) will not—

16 (A) delay or otherwise negatively affect the
17 F-35 aircraft test schedule for fiscal year 2011;

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

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

22 (3) A period of 30 days has elapsed after the
23 date on which the certification under paragraph (2)
24 is submitted to the congressional defense commit-
25 tees.

1 (d) SCHEDULE DEFINED.—In this section, the term
2 “schedule” means the F–35 Lightning II program update
3 schedule received by the congressional defense committees
4 on March 15, 2010.

5 **SEC. 142. LIMITATIONS ON BIOMETRIC SYSTEMS FUNDS.**

6 (a) GENERAL LIMITATION.—Of the funds authorized
7 to be appropriated by this Act or otherwise made available
8 for fiscal year 2011 for biometrics programs and oper-
9 ations, not more than 85 percent may be obligated or ex-
10 pended until—

11 (1) the Secretary of Defense submits to the
12 congressional defense committees a report on the ac-
13 tions taken—

14 (A) to implement subparagraphs (A)
15 through (F) of paragraph (16) of the National
16 Security Presidential Directive dated June 5,
17 2008 (NSPD–59);

18 (B) to implement the recommendations of
19 the Comptroller General of the United States
20 included in the report of the Comptroller Gen-
21 eral numbered GAO–08–1065 dated September
22 2008;

23 (C) to implement the recommendations of
24 the Comptroller General included in the report

1 of the Comptroller General numbered GAO–09–
2 49 dated October 2008;

3 (D) to fully and completely characterize
4 the current biometrics architecture and estab-
5 lish the objective architecture for the Depart-
6 ment of Defense;

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

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

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

22 (b) SPECIFIC LIMITATION.—None of the funds au-
23 thorized to be appropriated by this Act or otherwise made
24 available for fiscal year 2011 for biometrics programs and
25 operations may be obligated or expended unless the Under

1 Secretary of Defense for Acquisition, Technology, and Lo-
2 gistics (acting through the Director of Defense Bio-
3 metrics) approves such obligation or expenditure in writ-
4 ing.

5 **SEC. 143. COUNTER-IMPROVISED EXPLOSIVE DEVICE INI-**
6 **TIATIVES DATABASE.**

7 (a) COMPREHENSIVE DATABASE.—

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

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

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

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

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

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

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

20 (1) develop appropriate means to measure the
21 effectiveness of counter-improved explosive device
22 initiatives; and

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

1 (c) ELIMINATION OF PRIOR NOTICE REQUIRE-
2 MENT.—Subsection (c) of section 1514 of the John War-
3 ner National Defense Authorization Act for Fiscal Year
4 2007 (Public Law 109–364; 120 Stat. 2439), as amended
5 by the Duncan Hunter National Defense Authorization
6 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
7 4649), is further amended—

8 (1) by striking paragraph (4); and

9 (2) by redesignating paragraph (5) as para-
10 graph (4).

11 (d) COUNTER-IMPROVISED EXPLOSIVE DEVICE INI-
12 TIATIVE DEFINED.—In this section, the term “counter-
13 improvised explosive device initiative” means any project,
14 program, or research activity funded by any component
15 of the Department of Defense that is intended to assist
16 or support efforts to counter, combat, or defeat the use
17 of improvised explosive devices.

18 **SEC. 144. STUDY ON LIGHTWEIGHT BODY ARMOR SOLU-**
19 **TIONS.**

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

23 (1) assess the effectiveness of the processes
24 used by the Secretary to identify and examine the

1 requirements for lighter weight body armor systems;
2 and

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

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

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

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

16 (3) The need for research, development, and ac-
17 quisition funding dedicated specifically for reducing
18 the weight of body armor.

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

21 (5) Industry concerns, capabilities, and willing-
22 ness to invest in the development and production of
23 lightweight body armor initiatives.

24 (6) Barriers preventing the development of
25 lighter weight body armor (including such barriers

1 with respect to technical, institutional, or financial
2 problems).

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

5 (8) Other areas of concern not previously ad-
6 dressed by equipping boards, body armor producers,
7 or program managers.

8 (c) SUBMISSION TO CONGRESS.—Not later than 180
9 days after the date of the enactment of this Act, the Sec-
10 retary shall submit to the congressional defense commit-
11 tees a report on the study conducted under subsection (a).

12 **TITLE II—RESEARCH, DEVELOP-**
13 **MENT, TEST, AND EVALUA-**
14 **TION**

15 **Subtitle A—Authorization of**
16 **Appropriations**

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

21 (1) For the Army, \$10,316,754,000.

22 (2) For the Navy, \$17,978,646,000.

23 (3) For the Air Force, \$27,269,902,000.

24 (4) For Defense-wide activities,
25 \$20,908,006,000, of which \$194,910,000 is author-

1 (4) Ballistic missile submarines are the most
2 survivable asset in the arsenal of the United States
3 in the event of a surprise nuclear attack on the
4 country because, being submerged for months at a
5 time, these submarines are virtually undetectable to
6 any adversary and therefore invulnerable to attack,
7 thus providing the submarines with the ability to re-
8 spond with significant force against any adversary
9 who attacks the United States or its allies.

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

12 (1) as Ohio-class submarines reach the end of
13 their service life and are retired, the United States
14 must maintain the robust sea-based strategic deter-
15 rent force that has the ability to remain undetected
16 by potential adversaries and must have the capa-
17 bility to deliver a retaliatory strike of such mag-
18 nitude that no rational actor would dare attack the
19 United States;

20 (2) the Secretary of Defense should conduct a
21 comprehensive analysis of the alternative capabilities
22 to provide the sea-based strategic deterrence that in-
23 cludes consideration of different types and sizes of
24 submarines, different types and sizes of missile sys-
25 tems, the number of submarines necessary to pro-

1 vide such deterrence, and the cost of each alter-
2 native; and

3 (3) prior to requesting more than
4 \$1,000,000,000 in research and development fund-
5 ing to develop a replacement for the Ohio-class bal-
6 listic missile submarine force in advance of a Mile-
7 stone A decision, the Secretary of Defense should
8 have made available to Congress the guidance issued
9 by the Director of Cost Assessment and Perform-
10 ance Evaluation with respect to the analysis of alter-
11 native capabilities and the results of such analysis.

12 (c) LIMITATION.—

13 (1) REPORT.—Of the funds authorized to be
14 appropriated by this Act or otherwise made available
15 for fiscal year 2011 for research and development
16 for the Navy, not more than 50 percent may be obli-
17 gated or expended to research or develop a sub-
18 marine as a replacement for the Ohio-class ballistic
19 missile submarine force unless—

20 (A) the Secretary of Defense submits to
21 the congressional defense committees a report
22 including—

23 (i) guidance issued by the Director of
24 Cost Assessment and Performance Evalua-
25 tion with respect to the analysis of alter-

1 native capabilities to provide the sea-based
2 strategic deterrence currently provided by
3 the Ohio-class ballistic missile submarine
4 force and any other guidance relating to
5 requirements for such alternatives intended
6 to affect the analysis;

7 (ii) an analysis of the alternative ca-
8 pabilities considered by the Secretary to
9 continue the sea-based strategic deterrence
10 currently provided by the Ohio-class bal-
11 listic missile submarine force, including—

12 (I) the cost estimates for each al-
13 ternative capability;

14 (II) the operational challenges
15 and benefits associated with each al-
16 ternative capability; and

17 (III) the time needed to develop
18 and deploy each alternative capability;
19 and

20 (iii) detailed reasoning associated with
21 the decision to replace the capability of
22 sea-based deterrence provided by the Ohio-
23 class ballistic missile submarine force with
24 an alternative capability designed to carry
25 the Trident II D5 missile; and

1 (B) a period of 30 days has elapsed after
2 the date on which the report under subpara-
3 graph (A) is submitted.

4 (2) FORM.—The report required by paragraph
5 (1) shall be submitted in unclassified form, but may
6 include a classified annex.

7 **SEC. 212. LIMITATION ON OBLIGATION OF FUNDS FOR F-35**
8 **LIGHTNING II AIRCRAFT PROGRAM.**

9 Of the amounts authorized to be appropriated by this
10 Act or otherwise made available for fiscal year 2011 for
11 research, development, test, and evaluation for the F-35
12 Lightning II aircraft program, not more than 75 percent
13 may be obligated until the date that is 15 days after the
14 date on which the Under Secretary of Defense for Acquisi-
15 tion, Technology, and Logistics submits to the congres-
16 sional defense committees certification in writing that all
17 funds made available for fiscal year 2011 for the contin-
18 ued development and procurement of a competitive propul-
19 sion system for the F-35 Lightning II aircraft have been
20 obligated.

1 **SEC. 213. INCLUSION IN ANNUAL BUDGET REQUEST AND**
2 **FUTURE-YEARS DEFENSE PROGRAM OF SUFFICIENT AMOUNTS FOR CONTINUED DEVELOPMENT AND PROCUREMENT OF COMPETITIVE PROPULSION SYSTEM FOR F-35 LIGHTNING II AIRCRAFT.**

7 (a) ANNUAL BUDGET.—Chapter 9 of title 10, United
8 States Code, is amended by adding at the end the following new section:

10 **“§ 236. Budgeting for competitive propulsion system**
11 **for F-35 Lightning II aircraft**

12 “(a) ANNUAL BUDGET.—Effective for the budget for
13 fiscal year 2012 and each fiscal year thereafter, the Secretary of Defense shall include in the defense budget materials a request for such amounts as are necessary for the
14 full funding of the continued development and procurement of a competitive propulsion system for the F-35
15 Lightning II aircraft.

19 “(b) FUTURE-YEARS DEFENSE PROGRAM.—In each
20 future-years defense program submitted to Congress
21 under section 221 of this title, the Secretary of Defense
22 shall ensure that the estimated expenditures and proposed
23 appropriations for the F-35 Lightning II aircraft, for each
24 fiscal year of the period covered by that program, include
25 sufficient amounts for the full funding of the continued

1 development and procurement of a competitive propulsion
2 system for the F-35 Lightning II aircraft.

3 “(c) REQUIREMENT TO OBLIGATE AND EXPEND
4 FUNDS.—Of the amounts authorized to be appropriated
5 for fiscal year 2011 or any fiscal year thereafter, for re-
6 search, development, test, and evaluation and procurement
7 for the F-35 Lightning II aircraft program, the Secretary
8 of Defense shall ensure the obligation and expenditure in
9 each such fiscal year of sufficient annual amounts for the
10 continued development and procurement of two options for
11 the propulsion system for the F-35 Lightning II aircraft
12 in order to ensure the development and competitive pro-
13 duction for the propulsion system for such aircraft.

14 “(d) DEFINITIONS.—In this section:

15 “(1) The term ‘budget’, with respect to a fiscal
16 year, means the budget for that fiscal year that is
17 submitted to Congress by the President under sec-
18 tion 1105(a) of title 31.

19 “(2) The term ‘defense budget materials’, with
20 respect to a fiscal year, means the materials sub-
21 mitted to Congress by the Secretary of Defense in
22 support of the budget for that fiscal year.”.

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

“236. Budgeting for competitive propulsion system for F-35 Lightning II aircraft.”.

1 (c) CONFORMING REPEAL.—Section 213 of the Na-
2 tional Defense Authorization Act for Fiscal Year 2008
3 (Public Law 110–181) is repealed.

4 **SEC. 214. SEPARATE PROGRAM ELEMENTS REQUIRED FOR**
5 **RESEARCH AND DEVELOPMENT OF JOINT**
6 **LIGHT TACTICAL VEHICLE.**

7 In the budget materials submitted to the President
8 by the Secretary of Defense in connection with the submis-
9 sion to Congress, pursuant to section 1105 of title 31,
10 United States Code, of the budget for fiscal year 2012,
11 and each subsequent fiscal year, the Secretary shall ensure
12 that within each research, development, test, and evalua-
13 tion account of the Army and the Navy a separate, dedi-
14 cated program element is assigned to the Joint Light Tac-
15 tical Vehicle.

16 **Subtitle C—Missile Defense**
17 **Programs**

18 **SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR**
19 **MISSILE DEFENSES IN EUROPE.**

20 (a) LIMITATION ON CONSTRUCTION AND DEPLOY-
21 MENT OF SYSTEMS.—No funds authorized to be appro-
22 priated by this Act or otherwise made available for the
23 Department of Defense for fiscal year 2011 or any fiscal
24 year thereafter may be obligated or expended for site acti-

1 vation, construction, preparation of equipment for, or de-
2 ployment of a medium-range or long-range missile defense
3 system in Europe until—

4 (1) any nation agreeing to host such system has
5 signed and ratified a missile defense basing agree-
6 ment and a status of forces agreement; and

7 (2) a period of 45 days has elapsed following
8 the date on which the Secretary of Defense submits
9 to the congressional defense committees the report
10 on the independent assessment of alternative missile
11 defense systems in Europe required by section
12 235(c)(2) of the National Defense Authorization Act
13 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
14 2235).

15 (b) LIMITATION ON PROCUREMENT OR DEPLOYMENT
16 OF INTERCEPTORS.—No funds authorized to be appro-
17 priated by this Act or otherwise made available for the
18 Department of Defense for fiscal year 2011 or any fiscal
19 year thereafter may be obligated or expended for the pro-
20 curement (other than initial long-lead procurement) or de-
21 ployment of operational missiles of a medium-range or
22 long-range missile defense system in Europe until the Sec-
23 retary of Defense, after receiving the views of the Director
24 of Operational Test and Evaluation, submits to the con-
25 gressional defense committees a report certifying that the

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

7 (c) CONFORMING REPEAL.—Section 234 of the Na-
8 tional Defense Authorization Act for Fiscal Year 2010
9 (Public Law 111–81; 123 Stat. 2234) is repealed.

10 **SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CON-**
11 **TRACTS BY MISSILE DEFENSE AGENCY WITH**
12 **FOREIGN ENTITIES.**

13 Section 222 of the National Defense Authorization
14 Act for Fiscal Years 1988 and 1989 (Public Law 100–
15 180; 101 Stat. 1055; 10 U.S.C. 2431 note) is repealed.

16 **SEC. 223. PHASED, ADAPTIVE APPROACH TO MISSILE DE-**
17 **FENSE IN EUROPE.**

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

20 (1) the new phased, adaptive approach to mis-
21 sile defense in Europe, announced by the President
22 on September 17, 2009, should be supported by
23 sound analysis, program plans, schedules, and tech-
24 nologies that are credible;

1 (2) the cost, performance, and risk of such ap-
2 proach to missile defense should be well understood;
3 and

4 (3) Congress should have access to information
5 regarding the analyses, plans, schedules, tech-
6 nologies, cost, performance, and risk of such ap-
7 proach to missile defense in order to conduct effec-
8 tive oversight.

9 (b) REPORT REQUIRED.—

10 (1) REPORT.—The Secretary of Defense shall
11 submit to the congressional defense committees a re-
12 port on the phased, adaptive approach to missile de-
13 fense in Europe.

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

16 (A) A discussion of the analyses conducted
17 by the Secretary of Defense preceding the an-
18 nouncement of the phased, adaptive Approach
19 to missile defense in Europe on September 17,
20 2009, including—

21 (i) a description of any alternatives
22 considered;

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

1 (iii) the result of each analysis, in-
2 cluding a description of the criteria used to
3 judge each alternative.

4 (B) A discussion of any independent as-
5 sessments or reviews of alternative approaches
6 to missile defense in Europe considered by the
7 Secretary in support of the announcement of
8 the phased, adaptive approach to missile de-
9 fense in Europe on September 17, 2009.

10 (C) A description of the architecture for
11 each of the four phases of the phased, adaptive
12 approach to missile defense in Europe, includ-
13 ing—

14 (i) the composition, basing locations,
15 and quantities of ballistic missile defense
16 assets, including ships, batteries, intercept-
17 tors, radars and other sensors, and com-
18 mand and control nodes;

19 (ii) program schedules and site-spe-
20 cific schedules with task activities, test
21 plans, and knowledge and decision points;

22 (iii) technology maturity levels of mis-
23 sile defense assets and plans for retiring
24 technical risks;

1 (iv) planned performance of missile
2 defense assets and defended area coverage,
3 including sensitivity analysis to various
4 basing scenarios and varying threat capa-
5 bilities (including simple and complex
6 threats, liquid and solid-fueled ballistic
7 missiles, and varying raid sizes);

8 (v) operational concepts and how such
9 operational concepts effect force structure
10 and inventory requirements;

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

14 (vii) acquisition strategies.

15 (3) GAO.—The Comptroller General of the
16 United States shall submit to the congressional de-
17 fense committees a report assessing the report under
18 paragraph (1) pursuant to section 232(g) of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 2002 (Public Law 107–107; 10 U.S.C. 2431 note).

21 (c) LIMITATION ON FUNDS.—Of the amounts author-
22 ized to be appropriated by section 301(5) for operation
23 and maintenance, Defense-wide, for the Office of the Sec-
24 retary of Defense, not more than 95 percent of such
25 amounts may be obligated or expended until the date on

1 which the report required under subsection (b)(1) is sub-
2 mitted to the congressional defense committees.

3 **SEC. 224. HOMELAND DEFENSE HEDGING POLICY.**

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

5 (1) As noted by the Director of National Intel-
6 ligence, testifying before the Senate Select Com-
7 mittee on Intelligence on February 2, 2010, “the
8 Iranian regime continues to flout UN Security
9 Council restrictions on its nuclear program. . .we
10 judge Iran would likely choose missile delivery as its
11 preferred method of delivering a nuclear weapon.
12 Iran already has the largest inventory of ballistic
13 missiles in the Middle East and it continues to ex-
14 pand the scale, reach, and sophistication of its bal-
15 listic missile forces—many of which are inherently
16 capable of carrying a nuclear payload.”.

17 (2) The Unclassified Report on Military Power
18 of Iran, dated April 2010, states that, “with suffi-
19 cient foreign assistance, Iran could probably develop
20 and test an intercontinental ballistic missile (ICBM)
21 capable of reaching the United States by 2015. Iran
22 could also have an intermediate-range ballistic mis-
23 sile (IRBM) capable of threatening Europe.”.

24 (3) Under phase 3 of the phased, adaptive ap-
25 proach for missile defense in Europe (scheduled for

1 2018), the United States plans to deploy the stand-
2 ard missile–3 block IIA interceptor at sea- and land-
3 based sites in addition to existing missile defense
4 systems to provide coverage for all NATO allies in
5 Europe against medium- and intermediate-range bal-
6 listic missiles.

7 (4) Under phase 4 of the phased, adaptive ap-
8 proach for missile defense in Europe (scheduled for
9 2020), the United States plans to deploy the stand-
10 ard missile–3 block IIB interceptor to provide addi-
11 tional coverage of the United States against a poten-
12 tial intercontinental ballistic missile launched from
13 the Middle East in the 2020 time frame.

14 (5) According to the February 2010 Ballistic
15 Missile Defense Review, the United States will con-
16 tinue the development and assessment of a two-stage
17 ground-based interceptor as part of a hedging strat-
18 egy and, as further noted by the Under Secretary of
19 Defense for Policy during testimony before the Com-
20 mittee on Armed Services of the House of Rep-
21 resentatives on October 1, 2009, “we keep the devel-
22 opment of the two-stage [ground-based interceptor]
23 on the books as a hedge in case things come earlier,
24 in case there’s any kind of technological challenge
25 with the later models of the [standard missile–3].”.

1 (b) POLICY.—It shall be the policy of the United
2 States to—

3 (1) field missile defense systems in Europe
4 that—

5 (A) provide protection against medium-
6 and intermediate-range ballistic missile threats
7 consistent with NATO policy and the phased,
8 adapted approach for missile defense announced
9 on September 17, 2009; and

10 (B) have been confirmed to perform the
11 assigned mission after successful, operationally
12 realistic testing;

13 (2) field missile defenses to protect the territory
14 of the United States pursuant to the National Mis-
15 sile Defense Act of 1999 (Public Law 106–38; 10
16 U.S.C. 2431 note) and to test those systems in an
17 operationally realistic manner;

18 (3) ensure that the standard missile–3 block
19 IIA interceptor planned for phase 3 of the phased,
20 adaptive approach for missile defense is capable of
21 addressing intermediate-range ballistic missiles
22 launched from the Middle East and the standard
23 missile–3 block IIB interceptor planned for phase 4
24 of such approach is capable of addressing interconti-

1 mental ballistic missiles launched from the Middle
2 East; and

3 (4) continue the development and testing of the
4 two-stage ground-based interceptor to maintain it—

5 (A) as a means of protection in the event
6 that—

7 (i) the intermediate-range ballistic
8 missile threat to NATO allies in Europe
9 materializes before the availability of the
10 standard missile–3 block IIA interceptor;

11 (ii) the intercontinental ballistic mis-
12 sile threat to the United States that can-
13 not be countered with the existing ground-
14 based missile defense system materializes
15 before the availability of the standard mis-
16 sile–3 block IIB interceptor; or

17 (iii) technical challenges or schedule
18 delays affect the standard missile–3 block
19 IIA interceptor or the standard missile–3
20 block IIB interceptor; and

21 (B) as a complement to the missile defense
22 capabilities deployed in Alaska and California
23 for the defense of the United States.

1 **SEC. 225. INDEPENDENT ASSESSMENT OF THE PLAN FOR**
2 **DEFENSE OF THE HOMELAND AGAINST THE**
3 **THREAT OF BALLISTIC MISSILES.**

4 (a) FINDING.—Congress finds that section 2 of the
5 National Missile Defense Act of 1999 (Public Law 106–
6 38; 10 U.S.C. 2431 note) states that it is the policy of
7 the United States to deploy as soon as is technologically
8 possible an effective National Missile Defense system ca-
9 pable of defending the territory of the United States
10 against limited ballistic missile attack (whether accidental,
11 unauthorized, or deliberate) with funding subject to the
12 annual authorization of appropriations and the annual ap-
13 propriation of funds for National Missile Defense.

14 (b) ASSESSMENT.—The Secretary of Defense shall
15 contract with an independent entity to conduct an assess-
16 ment of the plans of the Secretary for defending the terri-
17 tory of the United States against the threat of attack by
18 ballistic missiles, including electromagnetic pulse attacks,
19 as such plans are described in the Ballistic Missile Defense
20 Review submitted to Congress on February 1, 2010, and
21 the report submitted to Congress under section 232 of the
22 National Defense Authorization Act for Fiscal Year 2010
23 (Public Law 111–84; 123 Stat. 2232).

24 (c) ELEMENTS.—The assessment required by sub-
25 section (b) shall include an assessment of the following:

1 (1) The ballistic missile threat, including elec-
2 tromagnetic pulse attacks, against which the home-
3 land defense elements are intended to defend, includ-
4 ing mobile or fixed threats that might arise from
5 non-state actors and accidental or unauthorized
6 launches.

7 (2) The military requirements for defending the
8 territory of the United States against such missile
9 threats.

10 (3) The capabilities of the missile defense ele-
11 ments available to defend the territory of the United
12 States as of the date of the assessment.

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

16 (5) The force structure and inventory levels
17 necessary to achieve the planned capabilities of the
18 elements described in paragraphs (3) and (4).

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

22 (7) The number of interceptor missiles nec-
23 essary for operational assets, test assets (including
24 developmental and operational test assets and aging
25 and surveillance test assets), and spare missiles.

1 (d) REPORT.—

2 (1) IN GENERAL.—At or about the same time
3 the budget of the President for fiscal year 2012 is
4 submitted to Congress pursuant to section 1105 of
5 title 31, United States Code, the Secretary shall
6 submit to the congressional defense committees a re-
7 port setting forth the results of the assessment re-
8 quired by subsection (b).

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

11 **SEC. 226. STUDY ON BALLISTIC MISSILE DEFENSE CAPA-**
12 **BILITIES OF THE UNITED STATES.**

13 (a) STUDY.—The Secretary of Defense, in coordina-
14 tion with the Chairman of the Joint Chiefs of Staff, shall
15 conduct a joint capabilities mix study on the ballistic mis-
16 sile defense capabilities of the United States.

17 (b) ELEMENTS.—The study under paragraph (1)
18 shall include, at a minimum, the following:

19 (1) An assessment of the missile defense capa-
20 bility, force structure, and inventory sufficiency re-
21 quirements of the combatant commanders based on
22 the threat assessments and operational plans for
23 each combatant command.

24 (2) A discussion of the infrastructure necessary
25 to achieve the ballistic missile defense capabilities,

1 force structure, and inventory assessed under para-
2 graph (1).

3 (3) An analysis of mobile and fixed missile de-
4 fense assets.

5 (c) REPORT.—

6 (1) IN GENERAL.—At or about the same time
7 the budget of the President for fiscal year 2012 is
8 submitted to Congress pursuant to section 1105 of
9 title 31, United States Code, the Secretary shall
10 submit to the congressional defense committees a re-
11 port setting forth the results of the study under sub-
12 section (a).

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

15 **SEC. 227. REPORTS ON STANDARD MISSILE SYSTEM.**

16 (a) REPORTS.—Not later than 90 days after the date
17 of the enactment of this Act, and each 180-day period
18 thereafter, the Secretary of Defense shall submit to the
19 congressional defense committees a report on the standard
20 missile system, particularly with respect to standard mis-
21 sile–3 block IIA and standard missile–3 block IIB.

22 (b) MATTERS INCLUDED.—The reports under sub-
23 section (a) shall include the following:

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

1 (2) A review of the standard missile’s compari-
2 son capability against all expected threats.

3 (3) A report on the progress of complimentary
4 systems, including, at a minimum, radar systems,
5 delivery systems, and recapitalization of supporting
6 software and hardware.

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

10 **Subtitle D—Reports**

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

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

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

22 (2) an explanation of any plans to adjust the
23 requirements of the Ground Combat Vehicle pro-
24 gram during the technology development phase of
25 such program.

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

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

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

14 (a) COST BENEFIT ANALYSIS REQUIRED.—

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

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

23 (A) the predicted operational performance
24 of future tank-fired munitions, including those
25 incorporating beyond line of sight technology,

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

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

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

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

22 (b) REPORT.—Not later than March 15, 2011, the
23 Secretary shall submit to the congressional defense com-
24 mittees the cost benefit analysis under subsection (a).

1 **SEC. 233. ANNUAL COMPTROLLER GENERAL REPORT ON**
2 **THE VH-(XX) PRESIDENTIAL HELICOPTER AC-**
3 **QUISITION PROGRAM.**

4 (a) ANNUAL GAO REVIEW.—During the period be-
5 ginning on the date of the enactment of this Act and end-
6 ing on March 1, 2018, the Comptroller General of the
7 United States shall conduct an annual review of the VH-
8 (XX) aircraft acquisition program.

9 (b) ANNUAL REPORTS.—

10 (1) IN GENERAL.—Not later than March 1 of
11 each year beginning in 2011 and ending in 2018,
12 the Comptroller General shall submit to the congress-
13 sional defense committees a report on the review of
14 the VH-(XX) aircraft acquisition program con-
15 ducted under subsection (a).

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

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

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

1 (i) developmental and operational test-
2 ing of the aircraft; and

3 (ii) plans for correcting deficiencies in
4 aircraft performance, operational effective-
5 ness, reliability, suitability, and safety.

6 (C) An assessment of VH-(XX) aircraft
7 procurement plans, production results, and ef-
8 forts to improve manufacturing efficiency and
9 supplier performance.

10 (D) An assessment of the acquisition strat-
11 egy of the VH-(XX) aircraft, including whether
12 such strategy is in compliance with acquisition
13 management best-practices and the acquisition
14 policy and regulations of the Department of De-
15 fense.

16 (E) A risk assessment of the integrated
17 master schedule and the test and evaluation
18 master plan of the VH-(XX) aircraft as it re-
19 lates to—

20 (i) the probability of success;

21 (ii) the funding required for such air-
22 craft compared with the funding pro-
23 grammed; and

24 (iii) development and production con-
25 currency.

1 (3) ADDITIONAL INFORMATION.—In submitting
2 to the congressional defense committees the first re-
3 port under paragraph (1) and a report following any
4 changes made by the Secretary of the Navy to the
5 baseline documentation of the VH-(XX) aircraft ac-
6 quisition program, the Comptroller General shall in-
7 clude, with respect to such program, an assessment
8 of the sufficiency and objectivity of—

9 (A) the analysis of alternatives;

10 (B) the initial capabilities document;

11 (C) the capabilities development document;

12 and

13 (D) the systems requirement document.

14 **SEC. 234. JOINT ASSESSMENT OF THE JOINT EFFECTS TAR-**
15 **GETING SYSTEM.**

16 (a) REVIEW.—Not later than March 1, 2011, the
17 Under Secretary of Defense for Acquisition, Technology,
18 and Logistics shall form a joint assessment team to review
19 the joint effects targeting system.

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

1 **Subtitle E—Other Matters**

2 **SEC. 241. ESCALATION OF FORCE CAPABILITIES.**

3 (a) **NON-LETHAL DEMONSTRATION PROGRAM.**—The
4 Secretary of Defense, acting through the Director of Oper-
5 ational Test and Evaluation and in consultation with the
6 Executive Agent for Non-lethal Weapons, shall carry out
7 a program to operationally test and evaluate non-lethal
8 weapons that provide counter-personnel escalation of force
9 options to members of the Armed Forces deploying in sup-
10 port of a contingency operation.

11 (b) **TECHNOLOGY TESTED.**—Technologies evaluated
12 under subsection (a) shall include crowd control, area de-
13 nial, space clearing, and personnel incapacitation tools.

14 (c) **REPORT REQUIRED.**—Not later than 180 days
15 after the date of the enactment of this Act, the Secretary
16 shall submit to the congressional defense committees a re-
17 port that—

18 (1) evaluates operational and situational suit-
19 ability for each non-lethal weapon tested;

20 (2) defines the tactics, techniques, and proce-
21 dures approved for deployment of each non-lethal
22 weapon by service;

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

1 program, the Secretary shall submit to the congressional
2 defense committees a report on the pilot program estab-
3 lished under this section, including a list of each des-
4 ignated system included in the program.

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

7 (e) DEFINITIONS.—In this section:

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

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

21 **SEC. 243. PILOT PROGRAM ON COLLABORATIVE ENERGY**
22 **SECURITY.**

23 (a) PILOT PROGRAM.—The Secretary of Defense, in
24 coordination with the Secretary of Energy, shall carry out
25 a collaborative energy security pilot program involving one

1 or more partnerships between one military installation and
2 one national laboratory, for the purpose of evaluating and
3 validating secure, salable microgrid components and sys-
4 tems for deployment.

5 (b) SELECTION OF MILITARY INSTALLATION AND
6 NATIONAL LABORATORY.—The Secretary of Defense and
7 the Secretary of Energy shall jointly select a military in-
8 stallation and a national laboratory for the purpose of car-
9 rying out the pilot program under this section. In making
10 such selections, the Secretaries shall consider each of the
11 following:

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

14 (2) The findings and recommendations of rel-
15 evant energy security assessments of military instal-
16 lations being considered for selection.

17 (3) The availability of renewable energy sources
18 at a military installation being considered for selec-
19 tion.

20 (4) Potential synergies between the expertise
21 and capabilities of a national laboratory being con-
22 sidered for selection and the infrastructure, inter-
23 ests, or other energy security needs of a military in-
24 stallation being considered for selection.

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

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

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

13 (2) The pilot program shall involve collabora-
14 tion with the Office of Electricity Delivery and En-
15 ergy Reliability of the Department of Energy and
16 other offices and agencies within the Department of
17 Energy, as appropriate, and the Environmental Se-
18 curity Technical Certification Program of the De-
19 partment of Defense.

20 (3) Under the pilot program, the Secretary of
21 Defense shall investigate opportunities for any ex-
22 cess electricity created for the military installation to
23 be sold or otherwise made available to the local com-
24 munity near the installation.

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

7 (5) The pilot program shall support the effort
8 of the Secretary of Defense to use the military as a
9 test bed to demonstrate innovative energy tech-
10 nologies.

11 (d) IMPLEMENTATION AND DURATION.—The Sec-
12 retary of Defense shall begin the pilot program under this
13 section by not later than July 1, 2011. Such pilot program
14 shall be not less than three years in duration.

15 (e) REPORTS.—

16 (1) INITIAL REPORT.—Not later than October
17 1, 2011, the Secretary of Defense shall submit to
18 the appropriate congressional committees an initial
19 report that provides an update on the implementa-
20 tion of the pilot program under this section, includ-
21 ing an identification of the selected military installa-
22 tion and national laboratory partner and a descrip-
23 tion of technologies under evaluation.

24 (2) FINAL REPORT.—Not later than 90 days
25 after completion of the pilot program under this sec-

1 tion, the Secretary shall submit to the appropriate
2 congressional committees a report on the pilot pro-
3 gram, including any findings and recommendations
4 of the Secretary.

5 (f) FUNDING.—

6 (1) DEPARTMENT OF DEFENSE.—Of the funds
7 authorized to be appropriated by section 201 for fis-
8 cal year 2011 for research, development, test, and
9 evaluation, Defense-wide, \$5,000,000 is available to
10 carry out this section.

11 (2) DEPARTMENT OF ENERGY.—Upon deter-
12 mination by the Secretary of Energy that the pro-
13 gram under this section is relevant and consistent
14 with the mission of the Department of Energy to
15 lead the modernization of the electric grid, enhance
16 the security and reliability of the energy infrastruc-
17 ture, and facilitate recovery from disruptions to en-
18 ergy supply, the Secretary may transfer funds made
19 available for the Office of Electricity Delivery and
20 Energy Reliability of the Department of Energy in
21 order to carry out this section.

22 (g) DEFINITIONS.—For purposes of this section:

23 (1) The term “appropriate congressional com-
24 mittees” means—

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

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

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

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

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

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

22 **SEC. 244. REPORT ON REGIONAL ADVANCED TECHNOLOGY**
23 **CLUSTERS.**

24 (a) REPORT.—Not later than March 1, 2011, the
25 Secretary of Defense shall submit to the appropriate con-

1 gressional committees a report on regional advanced tech-
2 nology clusters.

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

5 (1) An analysis of regional advanced technology
6 clusters throughout the United States, including—

7 (A) an estimate of the amount of public
8 and private funding activities within each clus-
9 ter;

10 (B) an assessment of the technical com-
11 petencies of each of these regional advanced
12 technology clusters;

13 (C) a comparison of the technical com-
14 petencies of each regional advanced technology
15 clusters with the technology needs of the De-
16 partment of Defense; and

17 (D) a review of current Department of De-
18 fense interaction, cooperation, or investment in
19 regional advanced technology clusters.

20 (2) A strategic plan for encouraging the devel-
21 opment of innovative, advanced technologies, such as
22 robotics and autonomous systems, to address na-
23 tional security, homeland security, and first re-
24 sponder challenges by—

1 (A) enhancing regional advanced tech-
2 nology clusters that support the technology
3 needs of the Department of Defense; and

4 (B) identifying and assisting the expansion
5 of additional new regional advanced technology
6 clusters to foster research and development into
7 emerging, disruptive technologies identified
8 through strategic planning documents of the
9 Department of Defense.

10 (3) An identification of the resources needed to
11 establish, sustain, or grow regional advanced tech-
12 nology clusters.

13 (4) An identification of mechanisms for collabo-
14 rating and cost sharing with other state, local, and
15 Federal agencies with respect to regional advanced
16 technology clusters, including any legal impediments
17 that may inhibit collaboration or cost sharing.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “appropriate congressional com-
20 mittees” means the following:

21 (A) The Committees on Armed Services,
22 Appropriations, and Small Business of the
23 House of Representatives.

1 (B) The Committees on Armed Services,
2 Appropriations, and Small Business and Entre-
3 preneurship of the Senate.

4 (2) The term “regional advanced technology
5 cluster” means geographic centers focused on build-
6 ing science and technology-based innovation capacity
7 in areas of local and regional strength to foster eco-
8 nomic growth and improve quality of life.

9 **SEC. 245. SENSE OF CONGRESS AFFIRMING THE IMPOR-**
10 **TANCE OF DEPARTMENT OF DEFENSE PAR-**
11 **TICIPATION IN DEVELOPMENT OF NEXT GEN-**
12 **ERATION SEMICONDUCTOR TECHNOLOGIES.**

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

15 (1) The next generation of weapons systems,
16 battlefield sensors, and intelligence platforms will
17 need to be lighter, more agile, consume less power,
18 and have greater computational power, which can
19 only be achieved by decreasing the feature size of in-
20 tegrated circuits to the nanometer scale.

21 (2) There is a growing concern in the Depart-
22 ment of Defense and the United States intelligence
23 community over the offshore shift in development
24 and production of high capacity semiconductors. Re-
25 liance on providers of semiconductors in the United

1 States high tech industry will mitigate the security
2 risks of such an offshore shift.

3 (3) The use of extreme-ultraviolet lithography
4 (EUVL) is recognized in the semiconductor industry
5 as critical to the development of the next generation
6 of integrated circuits.

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

9 (1) the United States should establish research
10 and development facilities to take the lead in pro-
11 ducing the next generation of integrated circuits;

12 (2) the Department of Defense should support
13 the establishment of a public-private partnership of
14 defense laboratory scientists and engineers, univer-
15 sity researchers, integrated circuit designers and
16 fabricators, tool manufacturers, material and chem-
17 ical suppliers, and metrology and inspection tool fab-
18 ricators to develop extreme-ultraviolet lithography
19 (EUVL) technologies on 300 micrometer and 450
20 micrometer wafers; and

21 (3) the targeted feature size of integrated cir-
22 cuits for EUVL development in the United States
23 should be the 15 nanometer node.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

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

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

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

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

13 (3) For the Marine Corps, \$5,568,340,000.

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

15 (5) For Defense-wide activities,
16 \$30,200,596,000.

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

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

19 (8) For the Marine Corps Reserve,
20 \$287,234,000.

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

22 (10) For the Army National Guard,
23 \$6,628,525,000.

24 (11) For the Air National Guard,
25 \$5,980,139,000.

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

3 (13) For the Acquisition Development Work-
4 force Fund, \$229,561,000.

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

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

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

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

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

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

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

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

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

25 (a) AUTHORITY TO REIMBURSE.—

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

7 (2) PURPOSE OF REIMBURSEMENT.—A pay-
8 ment made under paragraph (1) is to reimburse the
9 Environmental Protection Agency for all costs the
10 Agency has incurred through fiscal year 2011 relat-
11 ing to the response actions performed by the De-
12 partment of Defense under the Defense Environ-
13 mental Restoration Program at the Twin Cities
14 Army Ammunition Plant, Minnesota.

15 (3) INTERAGENCY AGREEMENT.—The reim-
16 bursement described in paragraph (2) is provided for
17 in an interagency agreement entered into by the De-
18 partment of the Army and the Environmental Pro-
19 tection Agency for the Twin Cities Army Ammuni-
20 tion Plant that took effect in December 1987.

21 (b) SOURCE OF FUNDS.—A payment under sub-
22 section (a) shall be made using funds authorized to be ap-
23 propriated for fiscal year 2011 to the Department of De-
24 fense for operation and maintenance for Environmental
25 Restoration, Army.

1 (c) USE OF FUNDS.—The Environmental Protection
2 Agency shall use the amounts transferred under sub-
3 section (a) to pay costs incurred by the Agency at the
4 Twin Cities Army Ammunition Plant.

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

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

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

1 the Secretary of the Navy and the Administrator of the
2 Environmental Protection Agency on October 19, 1990.

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

8 **SEC. 313. TESTING AND CERTIFICATION PLAN FOR OPER-**
9 **ATIONAL USE OF AN AVIATION BIOFUEL DE-**
10 **RIVED FROM MATERIALS THAT DO NOT COM-**
11 **PETE WITH FOOD STOCKS.**

12 Not later than one year after the date of the enact-
13 ment of this Act, the Secretary of Defense shall submit
14 to Congress a testing and certification plan for the oper-
15 ational use of a biofuel that—

16 (1) is derived from materials that do not com-
17 pete with food stocks; and

18 (2) is suitable for use for military purposes as
19 an aviation fuel or in an aviation-fuel blend.

20 **SEC. 314. REPORT IDENTIFYING HYBRID OR ELECTRIC**
21 **PROPULSION SYSTEMS AND OTHER FUEL-**
22 **SAVING TECHNOLOGIES FOR INCORPORA-**
23 **TION INTO TACTICAL MOTOR VEHICLES.**

24 (a) IDENTIFICATION OF USABLE ALTERNATIVE
25 TECHNOLOGY.—Not later than 180 days after the date

1 of the enactment of this Act, the Secretary of each mili-
2 tary department shall submit to Congress a report identi-
3 fying hybrid or electric propulsion systems and other vehi-
4 cle technologies that reduce consumption of fossil fuels
5 and are suitable for incorporation into the current fleet
6 of tactical motor vehicles of each Armed Force under the
7 jurisdiction of the Secretary. In identifying suitable alter-
8 native technologies, the Secretary shall consider the feasi-
9 bility and cost of incorporating the technology, the design
10 changes and amount of time required for incorporation,
11 and the overall impact of incorporation on vehicle perform-
12 ance.

13 (b) HYBRID DEFINED.—In this section, the term
14 “hybrid” refers to a propulsion system, including the en-
15 gine and drive train, that draws energy from onboard
16 sources of stored energy that involve—

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

19 (2) a rechargeable energy storage system.

20 **SEC. 315. EXCEPTION TO ALTERNATIVE FUEL PROCURE-**
21 **MENT REQUIREMENT.**

22 Section 526 of the Energy Independence and Security
23 Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is
24 amended—

1 (1) by striking “No Federal agency” and insert-
2 ing “(a) REQUIREMENT.—Except as provided in
3 subsection (b), no Federal agency”; and

4 (2) by adding at the end the following:

5 “(b) EXCEPTION.—Subsection (a) does not prohibit
6 a Federal agency from entering into a contract to pur-
7 chase a generally available fuel that is not an alternative
8 or synthetic fuel or predominantly produced from a non-
9 conventional petroleum source, if—

10 “(1) the contract does not specifically require
11 the contractor to provide an alternative or synthetic
12 fuel or fuel from a nonconventional petroleum
13 source;

14 “(2) the purpose of the contract is not to obtain
15 an alternative or synthetic fuel or fuel from a non-
16 conventional petroleum source; and

17 “(3) the contract does not provide incentives for
18 a refinery upgrade or expansion to allow a refinery
19 to use or increase its use of fuel from a nonconven-
20 tional petroleum source.”.

1 **SEC. 316. INFORMATION SHARING RELATING TO INVESTIGATION OF EXPOSURE TO DRINKING**
2 **WATER CONTAMINATION AT CAMP LEJEUNE,**
3 **NORTH CAROLINA.**

4
5 By not later than 180 days after the date of the en-
6 actment of this Act, the Secretary of Defense shall provide
7 the Agency for Toxic Substances and Disease Registry
8 with an electronic inventory of all existing documents,
9 records, and electronic data pertaining to the CERCLA
10 listed and RCRA listed contamination sites at Camp
11 Lejeune and all existing documents, records, and elec-
12 tronic data pertaining to the contaminated drinking water
13 at Camp Lejeune. If after the date of enactment of this
14 Act, the Secretary of Defense generates new documents,
15 records and electronic data, or comes into possession of
16 existing documents, records or electronic data not pre-
17 viously included in the electronic inventory, the Secretary
18 of the Navy shall provide the Agency for Toxic Substances
19 and Disease Registry with an updated electronic inventory
20 incorporating the newly located or generated documents,
21 records and electronic data. The Secretary of the Navy
22 shall ensure that Department of Defense personnel with
23 appropriate experience and expertise, including in the area
24 of environmental engineering and the conduct of water
25 modeling, working in conjunction with the Agency for
26 Toxic Substances and Disease Registry, are utilized to

1 identify, compile, and submit existing and new documents,
2 records, and electronic data in Navy and Marine Corps
3 records and electronic libraries that would assist the Agen-
4 cy for Toxic Substances and Disease Registry in gathering
5 data relating to the contamination and remediation of
6 Camp Lejeune base-wide drinking-water systems.

7 **Subtitle C—Workplace and Depot** 8 **Issues**

9 **SEC. 321. TECHNICAL AMENDMENTS TO REQUIREMENT** 10 **FOR SERVICE CONTRACT INVENTORY.**

11 Section 2330a(e)(1) of title 10, United States Code,
12 is amended—

13 (1) in the matter preceding subparagraph (A),
14 by inserting after the first sentence the following
15 new sentence: “The guidance for compiling the in-
16 ventory shall be issued by the Under Secretary of
17 Defense for Personnel and Readiness, as supported
18 by the Under Secretary of Defense (Comptroller)
19 and the Under Secretary of Defense for Acquisition,
20 Technology, and Logistics.”; and

21 (2) by striking subparagraph (E) and inserting
22 the following new subparagraph (E):

23 “(E) The number and work location of con-
24 tractor employees, expressed as full-time equivalents

1 for direct labor, using direct labor hours and associ-
2 ated cost data collected from contractors.”.

3 **SEC. 322. REPEAL OF CONDITIONS ON EXPANSION OF**
4 **FUNCTIONS PERFORMED UNDER PRIME VEN-**
5 **DOR CONTRACTS FOR DEPOT-LEVEL MAINTEN-**
6 **NANCE AND REPAIR.**

7 Section 346 of the Strom Thurmond National De-
8 fense Authorization Act for Fiscal Year 1999 (Public Law
9 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is re-
10 pealed.

11 **SEC. 323. PILOT PROGRAM ON BEST VALUE FOR CON-**
12 **TRACTS FOR PRIVATE SECURITY FUNCTIONS.**

13 (a) PILOT PROGRAM AUTHORIZED.—Not later than
14 180 days after the date of the enactment of this Act, the
15 Secretary of Defense shall establish a pilot program under
16 which the Secretary shall implement a best value procure-
17 ment standard in entering into contracts for the provision
18 of private security functions in Afghanistan and Iraq. In
19 entering into a covered contract under the pilot program,
20 in addition to taking into consideration the cost of the con-
21 tract, the Secretary shall take into consideration each of
22 the following:

- 23 (1) Past performance.
24 (2) Quality.
25 (3) Delivery.

- 1 (4) Management expertise.
- 2 (5) Technical approach.
- 3 (6) Experience of key personnel.
- 4 (7) Management structure.
- 5 (8) Risk.
- 6 (9) Such other matters as the Secretary deter-
- 7 mines are appropriate.

8 (b) JUSTIFICATION.—A covered contract under the
9 pilot program may not be awarded unless the contracting
10 officer for the contract justifies in writing the reason for
11 the award of the contract.

12 (c) ANNUAL REPORT.—Not later than January 15 of
13 each year the pilot program under this section is carried
14 out, the Secretary of Defense shall submit to the congres-
15 sional defense committees an unclassified report con-
16 taining each of the following:

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

20 (2) A description of the matters that the Sec-
21 retary of Defense took into consideration, in addi-
22 tion to cost, in awarding each such contract.

23 (3) Any additional information or recommenda-
24 tions the Secretary considers appropriate to include
25 with respect to the pilot program, the contracts

1 awarded under the pilot program, or the consider-
2 ations for evaluating such contracts.

3 (d) TERMINATION OF PROGRAM.—The authority of
4 the Secretary of Defense to carry out a pilot program
5 under this section terminates on September 30, 2013. The
6 termination of the authority shall not affect the validity
7 of contracts that are awarded or modified during the pe-
8 riod of the pilot program, without regard to whether the
9 contracts are performed during the period.

10 (e) DISCRETIONARY IMPLEMENTATION AFTER SEP-
11 TEMBER 30, 2013.—After September 30, 2013, imple-
12 mentation of a best value procurement standard in enter-
13 ing into contracts for the provision of private security
14 functions in Afghanistan and Iraq shall be at the discre-
15 tion of the Secretary of Defense.

16 (f) DEFINITIONS.—In this section:

17 (1) The term “best value” means providing the
18 best overall benefit to the Government in accordance
19 with the tradeoff process described in section
20 15.101–1 of title 48 of the Code of Federal Regula-
21 tions.

22 (2) The term “covered contract” means—

23 (A) a contract of the Department of De-
24 fense for the performance of services; or

1 (B) a task order or delivery order issued
2 under such a contract.

3 (3) The term “private security functions”
4 means guarding, by a contractor under a covered
5 contract, of personnel, facilities, or property of a
6 Federal agency, the contractor, a subcontractor of a
7 contractor, or a third party.

8 **SEC. 324. STANDARDS AND CERTIFICATION FOR PRIVATE**
9 **SECURITY CONTRACTORS.**

10 (a) THIRD-PARTY CERTIFICATION POLICY GUID-
11 ANCE.—Not later than 270 days after the date of the en-
12 actment of this Act, the Secretary of Defense shall issue
13 policy guidance requiring, as a condition for award of a
14 covered contract for the provision of private security func-
15 tions, that each contractor receive certification from a
16 third party that the contractor adheres to specified oper-
17 ational and business practice standards. The guidance
18 shall—

19 (1) establish criteria for defining standard prac-
20 tices for the performance of private security func-
21 tions, which shall reflect input from industry rep-
22 resentatives as well as the Inspector General of the
23 Department of Defense;

24 (2) establish criteria for weapons training pro-
25 grams for contractors performing private security

1 functions, including minimum requirements for
2 weapons training programs of instruction and min-
3 imum qualifications for instructors for such pro-
4 grams; and

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

7 (b) REGULATIONS REQUIRED.—Not later than 270
8 days after the date of the enactment of this Act, the Sec-
9 retary of Defense shall revise the Department of Defense
10 supplement to the Federal Acquisition Regulation to carry
11 out the requirements of this section and the guidance
12 issued under this section.

13 (c) DEFINITIONS.—In this section:

14 (1) The term “covered contract” means—

15 (A) a contract of the Department of De-
16 fense for the performance of services;

17 (B) a subcontract at any tier under such
18 contract;

19 (C) a task order or delivery order issued
20 under such a contract or subcontract.

21 (2) The term “contractor” means, with respect
22 to a covered contract, the contractor or subcon-
23 tractor carrying out the covered contract.

1 (3) The term “private security functions”
2 means activities engaged in by a contractor under a
3 covered contract as follows:

4 (A) Guarding of personnel, facilities, or
5 property of a Federal agency, the contractor or
6 subcontractor, or a third party.

7 (B) Any other activity for which personnel
8 are required to carry weapons in the perform-
9 ance of their duties.

10 (d) EXCEPTION.—The requirements of this section
11 shall not apply to contracts entered into by elements of
12 the intelligence community in support of intelligence ac-
13 tivities.

14 **SEC. 325. PROHIBITION ON ESTABLISHING GOALS OR**
15 **QUOTAS FOR CONVERSION OF FUNCTIONS TO**
16 **PERFORMANCE BY DEPARTMENT OF DE-**
17 **FENSE CIVILIAN EMPLOYEES.**

18 (a) PROHIBITION.—The Secretary of Defense may
19 not establish, apply, or enforce any numerical goal, target,
20 or quota for the conversion of Department of Defense
21 function to performance by Department of Defense civil-
22 ian employees, unless such goal, target, or quota is based
23 on considered research and analysis, as required by section
24 235, 2330a, or 2463 of title 10, United States Code.

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

13 (c) REPORTS.—

14 (1) REPORT TO CONGRESS.—Not later than De-
15 cember 31, 2010, the Secretary of Defense shall
16 submit to the congressional defense committees a re-
17 port on the decisions with respect to the conversion
18 of functions to performance by Department of De-
19 fense civilian employees made during fiscal year
20 2010. Such report shall identify, for each such deci-
21 sion—

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

24 (B) the basis and rationale for the deci-
25 sion; and

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

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

9 **SEC. 326. TREATMENT OF EMPLOYER CONTRIBUTIONS TO**
10 **HEALTH BENEFITS AND RETIREMENT PLANS**
11 **FOR PURPOSES OF COST-COMPARISONS OF**
12 **CONTRACTOR AND CIVILIAN EMPLOYEE PER-**
13 **FORMANCE OF DEPARTMENT OF DEFENSE**
14 **FUNCTIONS.**

15 Section 2463 of title 10, United States Code, is
16 amended—

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

19 (2) by inserting after subsection (d) the fol-
20 lowing new subsection (f):

21 “(f) TREATMENT OF CONTRIBUTIONS TO HEALTH
22 AND RETIREMENT PLANS.—For purposes of conducting
23 a cost comparison to determine whether to convert a func-
24 tion from contractor performance to performance by De-
25 partment of Defense civilian employee, the costs of em-

1 ployer contributions made by the Department of Defense
2 or by a contractor towards employer-sponsored health ben-
3 efits and retirement benefits plans shall not be considered
4 unless, in the case of such contributions made by a con-
5 tractor, the contractor does not receive an advantage for
6 reducing costs for the Department of Defense by—

7 “(1) not making an employer-sponsored health
8 insurance plan available to the contractor employees
9 who perform the function under the contract;

10 “(2) offering to such employees an employer-
11 sponsored health benefits plan that requires the em-
12 ployer to contribute less towards the premium or
13 subscription share than the amount that is paid by
14 the Federal Government for health benefits for civil-
15 ian employees under chapter 89 of title 5, United
16 States Code; or

17 “(3) offering to such employees a retirement
18 benefit that, in any year, costs less than the annual
19 retirement cost factor applicable to Federal employ-
20 ees under chapter 84 of title 5, United States
21 Code.”.

Subtitle D—Reports

1 **Subtitle D—Reports**
2 **SEC. 331. REVISION TO REPORTING REQUIREMENT RELAT-**
3 **ING TO OPERATION AND FINANCIAL SUP-**
4 **PORT FOR MILITARY MUSEUMS.**

5 (a) CHANGE IN FREQUENCY OF REPORT.—Sub-
6 section (a) of section 489 of title 10, United States Code,
7 is amended by striking “As part of” and all that follows
8 through “fiscal year—” and inserting the following: “As
9 part of the budget materials submitted to Congress for
10 every odd-numbered fiscal year, in connection with the
11 submission of the budget for that fiscal year pursuant to
12 section 1105 of title 31, the Secretary of Defense shall
13 submit to Congress a report on military museums. In each
14 such report, the Secretary shall identify all military muse-
15 ums that, during the most recently completed two fiscal-
16 year period—”

17 (b) REPEAL OF REQUIRED REPORT ELEMENT.—
18 Subsection (b) of such section is amended—

19 (1) by striking paragraph (5); and

20 (2) by redesignating paragraph (6) as para-
21 graph (5).

22 (c) CLERICAL AMENDMENTS.—

23 (1) SECTION HEADING.—The heading of such
24 section is amended to read as follows:

1 **“§ 489. Department of Defense operation and finan-**
 2 **cial support for military museums: bien-**
 3 **niel report”.**

4 (2) TABLE OF SECTIONS.—The table of sections
 5 at the beginning of chapter 23 of such title is
 6 amended by striking the item relating to section 489
 7 and inserting the following new item:

“489. Department of Defense operation and financial support for military muse-
 ums: biennial report.”.

8 **SEC. 332. ADDITIONAL REPORTING REQUIREMENTS RELAT-**
 9 **ING TO CORROSION PREVENTION PROJECTS**
 10 **AND ACTIVITIES.**

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

13 (1) in paragraph (1)—

14 (A) in subparagraph (C), by striking
 15 “The” and inserting “For the fiscal year cov-
 16 ered by the report and the preceding fiscal year,
 17 the”; and

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

20 “(E) For the fiscal year covered by the report
 21 and the preceding fiscal year, the amount of funds
 22 requested in the budget for each project or activity
 23 described in subparagraph (E) compared to the
 24 funding requirements for the project or activity.”;

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

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

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

13 **SEC. 333. MODIFICATION AND REPEAL OF CERTAIN RE-**
14 **PORTING REQUIREMENTS.**

15 (a) **MODIFICATION OF REPORT ON ARMY**
16 **PROGRESS.**—Section 323 of the John Warner National
17 Defense Authorization Act for Fiscal Year 2007 (Public
18 Law 109–364; 120 Stat. 2146; 10 U.S.C. 229 note) is
19 amended—

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

23 (2) in subsection (d), as so redesignated, by
24 striking “or (d)”.

1 (b) REPEAL OF REPORT ON DISPOSITION OF RE-
2 SERVE EQUIPMENT.—Title III of the John Warner Na-
3 tional Defense Authorization Act for Fiscal Year 2007
4 (Public Law 109–364) is amended by striking section 349.

5 (c) REPEAL OF REPORT ON READINESS OF GROUND
6 FORCES.—Title III of the National Defense Authorization
7 Act for Fiscal Year 2008 (Public Law 110–181) is amend-
8 ed by striking section 355.

9 **SEC. 334. REPORT ON AIR SOVEREIGNTY ALERT MISSION.**

10 (a) REPORT REQUIRED.—Not later than March 1,
11 2011, the Commander of the United States Northern
12 Command and the North American Aerospace Defense
13 Command (hereinafter in this section referred to as
14 “NORTHCOM”) shall submit to the Committee on Armed
15 Services of the Senate and the Committee on Armed Serv-
16 ice of the House of Representatives a report on the Air
17 Sovereignty Alert (hereinafter in this section referred to
18 as “ASA”) Mission and Operation Noble Eagle (herein-
19 after in this section referred to as “ONE”).

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

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

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

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

6 (A) The current ability to perform the mis-
7 sion with regards to training, equipment, fund-
8 ing, and military construction.

9 (B) Any current deficiencies in the mis-
10 sion.

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

15 (D) Future ability to perform the ASA
16 mission with current and programmed equip-
17 ment.

18 (E) Coverage of units with respect to—

19 (i) population centers covered;

20 (ii) targets of value covered, including
21 symbolic (national monuments, sports
22 venue, and centers of commerce), critical
23 infrastructure (nuclear plants, dams,
24 bridges, and telecommunication nodes) and

1 national security (military bases and or-
2 gans of government); and

3 (iii) an unclassified, notional area of
4 responsibility conforming to the unclassi-
5 fied response time of unit represented
6 graphically on a map and detailing total
7 population covered and number of targets
8 described in clause (ii).

9 (3) Status of implementation of the rec-
10 ommendations made in the Government Account-
11 ability Office Report entitled “Actions Needed to
12 Improve Management of Air Sovereignty Alert Oper-
13 ations to Protect U.S. Airspace” (GAO-09-184).

14 (d) MEANS OF DELIVERY OF REPORT.—The report
15 required by subsection (a) shall be unclassified, and
16 NORTHCOM shall brief the Committees on Armed Serv-
17 ices of the Senate and House of Representatives at the
18 appropriate classification level.

19 **SEC. 335. REPORT ON THE SEAD/DEAD MISSION REQUIRE-**
20 **MENT FOR THE AIR FORCE.**

21 (a) REPORT REQUIRED.—Not later than 120 days
22 after the date of the enactment of this Act, the Secretary
23 of the Air Force shall submit to the Committee on Armed
24 Services of the Senate and the Committee on Armed Serv-
25 ices of the House of Representatives a report describing

1 the feasibility and desirability of designating the Suppres-
2 sion of Enemy Air Defenses/Destruction of Enemy Air De-
3 fenses (hereinafter in this section referred to as “SEAD/
4 DEAD”) mission as a responsibility of the Air National
5 Guard.

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

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

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

12 (A) The current ability of the Air National
13 Guard to perform the mission with regards to
14 training, equipment, funding, and military con-
15 struction.

16 (B) Any current deficiencies of the Air Na-
17 tional Guard to perform the mission.

18 (C) The corrective actions and costs re-
19 quired to address any deficiencies described in
20 subparagraph (B).

21 (D) The need for SEAD/DEAD ranges to
22 be constructed on existing ranges operated, con-
23 trolled, or used by Air National Guard units
24 based on geographic considerations of proximity
25 and utility.

1 (c) CONSULTATION.—The Secretary of the Air Force
2 shall consult with the Director of the National Guard Bu-
3 reau who shall be authorized to review and provide inde-
4 pendent analysis and comments on the report required
5 under subsection (a).

6 **SEC. 336. REQUIREMENT TO UPDATE STUDY ON STRATEGIC**
7 **SEAPORTS.**

8 The Commander of the United States Transportation
9 Command shall update the study entitled “PORT LOOK
10 2008 Strategic Seaports Study”. In updating the study
11 under this section, the commander shall consider the in-
12 frastructure in the vicinity of a strategic port, including
13 bridges, roads, and rail, and any issues relating to the ca-
14 pacity and condition of such infrastructure.

15 **SEC. 337. STUDY AND REPORT ON FEASIBILITY OF JOINT**
16 **USAGE OF THE NASA SHUTTLE LOGISTICS**
17 **DEPOT.**

18 (a) STUDY.—The Secretary of Defense, in conjunc-
19 tion with the Administrator of the National Aeronautics
20 and Space Administration, shall conduct a study of the
21 feasibility of joint usage of the National Aeronautics and
22 Space Administration Shuttle Logistics Depot in Cape Ca-
23 naveral, Florida, to supplement requirements for products
24 and services in support of reset initiatives, Advanced
25 Technology Clusters, engineering and reverse engineering

1 analysis, and development of innovative technology and
2 processes to improve product procurement and reduce
3 risk, cost, and cycle time of system delivery.

4 (b) REPORT.—Not later than 90 days after the date
5 of the enactment of this Act, the Secretary shall submit
6 to the committees on Armed Services of the Senate and
7 House of Representatives a report on the study required
8 under subsection (a).

9 **Subtitle E—Limitations and**
10 **Extensions of Authority**

11 **SEC. 341. PERMANENT AUTHORITY TO ACCEPT AND USE**
12 **LANDING FEES CHARGED FOR USE OF DO-**
13 **MESTIC MILITARY AIRFIELDS BY CIVIL AIR-**
14 **CRAFT.**

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

18 **“§ 2697. Acceptance and use of landing fees charged**
19 **for use of domestic military airfields by**
20 **civil aircraft**

21 “(a) AUTHORITY.—The Secretary of a military de-
22 partment may impose landing fees for the use by civil air-
23 craft of domestic military airfields under the jurisdiction
24 of that Secretary and may use any fees received under

1 this section as a source of funding for the operation and
2 maintenance of airfields of that department.

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

7 “(c) USE OF PROCEEDS.—Amounts received for a
8 fiscal year in payment of landing fees imposed under this
9 section for the use of a military airfield shall be credited
10 to the appropriation that is available for that fiscal year
11 for the operation and maintenance of that military airfield,
12 shall be merged with amounts in the appropriation to
13 which credited, and shall be available for that military air-
14 field for the same period and purposes as the appropria-
15 tion is available.”.

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

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

19 **SEC. 342. IMPROVEMENT AND EXTENSION OF ARSENAL**
20 **SUPPORT PROGRAM INITIATIVE.**

21 (a) IMPROVEMENT.—

22 (1) IN GENERAL.—Section 343 of the Floyd D.
23 Spence National Defense Authorization Act for Fis-

1 cal Year 2001 (Public Law 106–398; 10 U.S.C.
2 4551 note) is amended—

3 (A) in subsection (b), by striking para-
4 graphs (3) and (4) and redesignating para-
5 graphs (5) through (11) as paragraphs (3)
6 through (9), respectively;

7 (B) by striking subsection (d) and redesi-
8 gnating subsections (e), (f), and (g) as sub-
9 sections (d), (e), and (f), respectively.

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

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

15 (1) prioritize the purposes of the Arsenal Sup-
16 port Program Initiative under section 343(b) of the
17 Floyd D. Spence National Defense Authorization
18 Act for Fiscal Year 2001 (Public Law 106–398;
19 U.S.C. 4551 note), as amended by subsection
20 (a)(1)(A); and

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

23 (c) EXTENSION.—

1 (1) IN GENERAL.—Such section, as amended by
2 subsection (a)(1) of this section, is further amend-
3 ed—

4 (A) in subsection (a), by striking “2010”
5 and inserting “2012”; and

6 (B) in paragraph (1) of subsection (f), as
7 redesignated by subsection (a)(1)(B) of this
8 section, by striking “2010” and inserting
9 “2012”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall take effect on the date of the
12 submittal of the report required under subsection
13 (d).

14 (d) REPORT REQUIRED.—Not later than 90 days
15 after the date of the enactment of this Act, the Secretary
16 of the Army shall submit to Congress a report on the Arse-
17 nal Support Program Initiative that includes—

18 (1) the Secretary’s determination with respect
19 to the Army’s highest priorities from among the pur-
20 poses of the Arsenal Support Program Initiative
21 under section 343(b) of the Floyd D. Spence Na-
22 tional Defense Authorization Act for Fiscal Year
23 2001 (Public Law 106–398; U.S.C. 4551 note), as
24 amended by subsection (a)(1)(A), reflecting the Sec-
25 retary’s overall strategy to achieve desired results;

1 (2) performance goals for the Arsenal Support
2 Program Initiative; and

3 (3) outcome-focused performance measures to
4 assess the progress the Army has made toward ad-
5 dressing the purposes of the Arsenal Support Pro-
6 gram Initiative.

7 **SEC. 343. EXTENSION OF AUTHORITY TO REIMBURSE EX-**
8 **PENSES FOR CERTAIN NAVY MESS OPER-**
9 **ATIONS.**

10 Section 1014(b) of the Duncan Hunter National De-
11 fense Authorization Act for Fiscal Year 2009 (Public Law
12 110–417; 122 Stat. 4585) is amended by striking “Sep-
13 tember 30, 2010” and inserting “September 30, 2012”.

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

16 (a) **LIMITATION.**—Of the amounts authorized to be
17 appropriated for the Human Terrain System (hereinafter
18 in this section referred to as the “HTS”) that are de-
19 scribed in subsection (b), not more than 50 percent of the
20 amounts remaining unobligated as of the date of enact-
21 ment of this Act may be obligated until the Secretary of
22 the Army submits to the congressional defense committees
23 each of the following:

24 (1) The independent assessment of the HTS
25 called for in the report of the Committee on Armed

1 Services of the House of Representatives accom-
2 panying the National Defense Authorization Act for
3 Fiscal Year 2010 (H. Rept. 111–166).

4 (2) A validation of all HTS requirements, in-
5 cluding any prior joint urgent operations needs
6 statements.

7 (3) A certification that policies, procedures, and
8 guidance are in place to protect the integrity of so-
9 cial science researchers participating in HTS, includ-
10 ing ethical guidelines and human studies research
11 procedures.

12 (b) COVERED AUTHORIZATIONS OR APPROPRIA-
13 TIONS.—The amounts authorized to be appropriated de-
14 scribed in this subsection are amounts authorized to be
15 appropriated for fiscal year 2011, including such amounts
16 authorized to be appropriated for overseas contingency op-
17 erations, for—

18 (1) Operation and maintenance for HTS;

19 (2) Procurement for Mapping the Human Ter-
20 rain hardware and software; and

21 (3) Research, development, test, and evaluation
22 for Mapping the Human Terrain hardware and soft-
23 ware.

1 **SEC. 345. LIMITATION ON OBLIGATION OF FUNDS PENDING**
2 **SUBMISSION OF CLASSIFIED JUSTIFICATION**
3 **MATERIAL.**

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

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

14 The Secretary of the Air Force may not take any ac-
15 tion to retire any C-130 aircraft from the inventory of
16 the Air Force until 30 days after the date on which the
17 Secretary submits to the congressional defense committees
18 a written agreement between the Director of the Air Na-
19 tional Guard, the Commander of Air Force Reserve Com-
20 mand, and the Chief of Staff of the Air Force. The agree-
21 ment shall specify the following:

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

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

4 (3) A description of the condition, including the
5 estimated remaining service life, in which the C-130
6 aircraft will be returned to the Air National Guard
7 following the period during which the aircraft are on
8 loan to the Air Force.

9 (4) A description of the allocation of resources,
10 including the designation of responsibility for fund-
11 ing aircraft operations and maintenance, in fiscal
12 year 2011, and detailed description of budgetary re-
13 sponsibilities through the remaining period the air-
14 craft are on loan to the Air Force.

15 (5) The designation of responsibility for fund-
16 ing depot maintenance requirements or modifications
17 to the aircraft during the period the aircraft are on
18 loan with the Air Force, or otherwise generated as
19 a result of transfer.

20 (6) The locations from which the C-130 air-
21 craft will be transferred.

22 (7) The manpower planning and certification
23 that such a transfer will not result in manpower au-
24 thorization reductions or resourcing at the Air Na-
25 tional Guard facilities identified in paragraph (6).

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

5 (9) Any other items the Director of the Air Na-
 6 tional Guard or the Commander of Air Force Re-
 7 serve Command determine are necessary in order to
 8 ensure such a transfer will not negatively impact the
 9 ability of the Air National Guard and Air Force Re-
 10 serve to accomplish their respective missions.

11 **SEC. 347. COMMERCIAL SALE OF SMALL ARMS AMMUNI-**
 12 **TION IN EXCESS OF MILITARY REQUIRE-**
 13 **MENTS.**

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

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

1 congressional defense committees a letter of compliance
2 providing notice of such guidance.

3 **SEC. 348. LIMITATION ON AIR FORCE FISCAL YEAR 2011**
4 **FORCE STRUCTURE ANNOUNCEMENT IMPLE-**
5 **MENTATION.**

6 None of the amounts authorized to be appropriated
7 by this Act or otherwise made available for fiscal year
8 2011 may be obligated or expended for the purpose of im-
9 plementing the Air Force fiscal year 2011 Force Structure
10 Announcement until 45 days after—

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

16 (2) the Secretary of the Air Force certifies to
17 the Committees on Armed Services of the Senate
18 and House of Representatives that the Air Sov-
19 ereignty Alert Mission will be fully resourced with
20 required funding, personnel, and aircraft.

1 **Subtitle F—Other Matters**

2 **SEC. 351. EXPEDITED PROCESSING OF BACKGROUND IN-**
3 **VESTIGATIONS FOR CERTAIN INDIVIDUALS.**

4 (a) EXPEDITED PROCESSING OF SECURITY CLEAR-
5 ANCES.—Section 1564 of title 10, United States Code, is
6 amended—

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

9 “(a) EXPEDITED PROCESS.—The Secretary of De-
10 fense may prescribe a process for expediting the comple-
11 tion of the background investigations necessary for grant-
12 ing security clearances for—

13 “(1) Department of Defense personnel and De-
14 partment of Defense contractor personnel who are
15 engaged in sensitive duties that are critical to the
16 national security; and

17 “(2) any individual who submits an application
18 for a position as an employee of the Department of
19 Defense for which a security clearance is required
20 who is a member of the armed forces who was re-
21 tired or separated for physical disability pursuant to
22 chapter 61 of this title.”; and

23 (2) by adding at the end the following new sub-
24 section:

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

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

10 **SEC. 352. ADOPTION OF MILITARY WORKING DOGS BY FAM-**
11 **ILY MEMBERS OF DECEASED OR SERIOUSLY**
12 **WOUNDED MEMBERS OF THE ARMED FORCES**
13 **WHO WERE HANDLERS OF THE DOGS.**

14 Section 2583(c) of title 10, United States Code, is
15 amended—

16 (1) by inserting “(1)” before “Military ani-
17 mals”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(2) For purposes of making a determination under
21 subsection (a)(2), unusual or extraordinary circumstances
22 may include situations in which the handler of a military
23 working dog is a member of the armed forces who is killed
24 in action, dies of wounds received in action, or is so seri-
25 ously wounded in action that the member will (or most

1 likely will) receive a medical discharge. If the Secretary
 2 of the military department concerned determines that an
 3 adoption is justified in such a situation, the military work-
 4 ing dog shall be made available for adoption only by the
 5 immediate family of the member.”.

6 **SEC. 353. REVISION TO AUTHORITIES RELATING TO TRANS-**
 7 **PORTATION OF CIVILIAN PASSENGERS AND**
 8 **COMMERCIAL CARGOES BY DEPARTMENT OF**
 9 **DEFENSE WHEN SPACE UNAVAILABLE ON**
 10 **COMMERCIAL LINES.**

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

14 (1) by inserting “AUTHORITY.—” before
 15 “Whenever”; and

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

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

21 (1) LIMITATION ON AMOUNTS CHARGED.—The
 22 second sentence of subsection (a) of such section is
 23 amended by inserting before the period the fol-
 24 lowing: “, except that in the case of transportation
 25 provided in response to an emergency, a disaster, or

1 a request for humanitarian assistance, any amount
2 charged for such transportation may not exceed the
3 cost of providing the transportation”.

4 (2) CREDITING OF RECEIPTS.—Subsection (b)
5 of such section is amended by striking “Amounts”
6 and inserting “CREDITING OF RECEIPTS.—Any
7 amount received under this section with respect to
8 transportation provided in response to an emer-
9 gency, a disaster, or a request for humanitarian as-
10 sistance may be credited to the appropriation, fund,
11 or account used in incurring the obligation for which
12 such amount is received. In all other cases,
13 amounts”.

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

17 “(c) TRANSPORTATION OF ALLIED PERSONNEL
18 DURING CONTINGENCIES OR DISASTER RESPONSES.—(1)
19 During the 5-year period beginning on the date of the en-
20 actment of the National Defense Authorization Act for
21 Fiscal Year 2011, when space is available on vessels, vehi-
22 cles, or aircraft operated by the Department of Defense
23 and the Secretary of Defense determines that operations
24 in the area of a contingency operation or disaster response
25 would be facilitated if allied forces or civilians were to be

1 transported using such vessels, vehicles, or aircraft, the
2 Secretary may provide such transportation on a noninter-
3 ference basis, without charge.

4 “(2) Not later than March 1 of each year following
5 a year in which the Secretary provides transportation
6 under paragraph (1), the Secretary shall submit to the
7 Committees on Armed Services of the Senate and House
8 of Representatives a report describing, in detail, the trans-
9 portation so provided during that year. Each such report
10 shall include a description of each of the following:

11 “(A) How the authority under paragraph (1)
12 was used during the year covered by the report.

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

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

17 “(D) The total cost of the transportation pro-
18 vided under paragraph (1) during that year.

19 “(E) The appropriation, fund, or account cred-
20 ited and the total amount received as a result of pro-
21 viding transportation under paragraph (1) during
22 that year.”.

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

1 (e) TECHNICAL AMENDMENTS.—

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

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

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

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

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

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

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

15 **SEC. 354. TECHNICAL CORRECTION TO OBSOLETE REF-**
16 **ERENCE RELATING TO USE OF FLEXIBLE**
17 **HIRING AUTHORITY TO FACILITATE PER-**
18 **FORMANCE OF CERTAIN DEPARTMENT OF**
19 **DEFENSE FUNCTIONS BY CIVILIAN EMPLOY-**
20 **EES.**

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

1 **SEC. 355. INVENTORY AND STUDY OF BUDGET MODELING**
2 **AND SIMULATION TOOLS.**

3 (a) INVENTORY.—

4 (1) INVENTORY REQUIRED.—The Comptroller
5 General of the United States shall perform an inven-
6 tory of all modeling and simulation tools used by the
7 Department of Defense to develop and analyze the
8 Department's annual budget submission and to sup-
9 port decision making inside the budget process. In
10 carrying out the inventory, the Comptroller General
11 shall identify the purpose, scope, and levels of vali-
12 dation, verification, and accreditation of each such
13 model and simulation.

14 (2) REPORT.—Not later than December 1,
15 2010, the Comptroller General shall submit to Com-
16 mittees on Armed Services of the Senate and House
17 of Representatives and the Secretary of Defense a
18 report on the inventory under paragraph (1) and the
19 findings of the Comptroller General in carrying out
20 the inventory.

21 (b) STUDY.—

22 (1) STUDY REQUIRED.—By not later than Jan-
23 uary 15, 2011, the Secretary of Defense shall seek
24 to enter into a contract with a federally funded re-
25 search and development center to carry out a study
26 examining the requirements for and capabilities of

1 modeling and simulation tools used by the Depart-
2 ment of Defense to support the annual budget proc-
3 ess. A contract entered into under this paragraph
4 shall specify that in carrying out the study, the cen-
5 ter shall—

6 (A) use the inventory performed by the
7 Comptroller General under subsection (a) as a
8 baseline;

9 (B) examine the efficacy and sufficiency of
10 the modeling and simulation tools used by the
11 Department of Defense to support the develop-
12 ment, analysis, and decision-making associated
13 with the construction and validation of require-
14 ments used as a basis for the annual budget
15 process of the Department;

16 (C) examine the requirements and any ca-
17 pability gaps with respect to such modeling and
18 simulation tools;

19 (D) provide recommendations as to how
20 the Department should best address the re-
21 quirements and fill the capabilities gaps identi-
22 fied under subparagraph (C);

23 (E) identify annual investment levels in
24 modeling and simulation tools and certifications
25 required to achieve a high degree of confidence

1 in the relationship between the Department's
2 mission effectiveness and the budget materials
3 submitted to the President by the Secretary of
4 Defense in connection with the submission to
5 Congress, pursuant to section 1105 of title 31,
6 United States Code, of the budget for a fiscal
7 year;

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

14 (G) recommend improvements to enhance
15 the confidence, efficacy, and sufficiency of the
16 modeling and simulation tools used by the De-
17 partment of Defense in the development of the
18 annual budget.

19 (2) REPORT.—Not later than January 1, 2012,
20 the chief executive officer of the center that carries
21 out the study pursuant to a contract under para-
22 graph (1) shall submit to the Committees on Armed
23 Services of the Senate and House of Representatives
24 a report on the findings of the study.

1 **SEC. 356. SENSE OF CONGRESS REGARDING CONTINUED**
2 **IMPORTANCE OF HIGH-ALTITUDE AVIATION**
3 **TRAINING SITE, COLORADO.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

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

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

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

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

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

1 **SEC. 357. DEPARTMENT OF DEFENSE STUDY ON SIMU-**
2 **LATED TACTICAL FLIGHT TRAINING IN A SUS-**
3 **TAINED G ENVIRONMENT.**

4 (a) **STUDY REQUIRED.**—The Secretary of Defense
5 shall conduct a study on the effectiveness of simulated tac-
6 tical flight training in a sustained g environment. In con-
7 ducting the study, the Secretary shall include all relevant
8 factors, including each of the following:

- 9 (1) Training effectiveness.
10 (2) Cost reductions.
11 (3) Safety.
12 (4) Research benefits.
13 (5) Carbon emissions reduction.
14 (6) Lifecycles of training aircraft.

15 (b) **DEADLINE FOR COMPLETION.**—The study re-
16 quired by subsection (a) shall be completed not later than
17 18 months after the date of the enactment of this Act.

18 (c) **SUBMISSION TO CONGRESS.**—Upon completion of
19 the study required by subsection (a), the Secretary shall
20 submit the results of the study to the congressional de-
21 fense committees.

22 **SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF**
23 **OBSTRUCTIONS ON MILITARY INSTALLA-**
24 **TIONS AND OPERATIONS.**

25 (a) **DESIGNATION OF DEPARTMENT ORGANIZA-**
26 **TION.**—Not later than 60 days after the date of the enact-

1 ment of this Act, the Secretary of Defense shall designate
2 a single organization within the Department of Defense
3 to—

4 (1) serve as the executive agent to carry out the
5 study required by subsection (b);

6 (2) serve as a clearinghouse to review applica-
7 tions filed with the Secretary of Transportation pur-
8 suant to section 44718 of title 49, United States
9 Code, and received by the Department of Defense
10 from the Secretary of Transportation; and

11 (3) accelerate the development of planning tools
12 to provide preliminary notice as to the acceptability
13 to the Department of Defense of proposals included
14 in an application submitted pursuant to such sec-
15 tion.

16 (b) MILITARY INSTALLATIONS AND OPERATIONS IM-
17 PACT STUDY.—

18 (1) STUDY REQUIRED.—Not later than 180
19 days after the date of the enactment of this Act, the
20 Secretary of Defense shall carry out a study to iden-
21 tify any areas where military installations and mili-
22 tary operations, including the use of air navigation
23 facilities, navigable airspace, military training
24 routes, and air defense radars, could be affected by
25 any proposed construction, alteration, establishment,

1 or expansion of a structure described in section
2 44718 of title 49, United States Code.

3 (2) MILITARY MISSION IMPACT ZONES.—The
4 Secretary of Defense shall publish a notice of the
5 areas identified pursuant to the study under para-
6 graph (1). Such areas shall be known as “military
7 mission impact zones”.

8 (c) EFFECT OF DEPARTMENT OF DEFENSE HAZARD
9 ASSESSMENT.—A notice under subsection (a)(3) or (b)(2)
10 shall not be considered to be a substitute for any assess-
11 ment required by the Secretary of Transportation under
12 section 44718 of title 49, United States Code.

13 (d) SAVINGS PROVISION.—Nothing in this section
14 shall be construed to affect or limit the application of, or
15 any obligation to comply with, any environmental law, in-
16 cluding the National Environmental Policy Act (42 U.S.C.
17 4321 et seq.).

18 (e) DEFINITIONS.—In this section:

19 (1) The term “military training route” means a
20 training route developed as part of the Military
21 Training Route Program, carried out jointly by the
22 Federal Aviation Administration and the Secretary
23 Defense, for use by the Armed Forces for the pur-
24 pose of conducting low-altitude, high-speed military
25 training.

1 (2) The term “high value military training
2 route” means a military training route that is in the
3 highest quartile of military training routes used by
4 the Department of Defense with respect to frequency
5 of use.

6 (3) The term “military installation” has the
7 meaning given that term in section 2801(c)(4) of
8 title 10, United States Code.

9 (4) The term “military operation” means mili-
10 tary navigable airspace, including high value military
11 training routes, air defense radars, special use air-
12 space, warning areas, and other military related sys-
13 tems.

14 **SEC. 359. SENSE OF CONGRESS REGARDING FIRE-RESIST-**
15 **ANT UTILITY ENSEMBLES FOR NATIONAL**
16 **GUARD PERSONNEL IN CIVIL AUTHORITY**
17 **MISSIONS.**

18 It is the sense of Congress that the Chief of the Na-
19 tional Guard Bureau should issue fire-resistant utility en-
20 sembles to National Guard personnel who are engaged, or
21 likely to become engaged, in defense support to civil au-
22 thority missions that routinely involve serious fire hazards,
23 such as wildfire recovery efforts.

1 **SEC. 360. AUTHORITY TO MAKE EXCESS NONLETHAL SUP-**
2 **PLIES AVAILABLE FOR DOMESTIC EMER-**
3 **GENCY ASSISTANCE.**

4 (a) DOMESTIC AUTHORITY.—Section 2557 of title
5 10, United States Code, is amended—

6 (1) in subsection (a)(1), by adding at the end
7 the following new sentence: “In addition, the Sec-
8 retary may make nonlethal excess supplies of the
9 Department available to support domestic emergency
10 assistance activities.”; and

11 (2) in subsection (b)—

12 (A) by inserting “(1)” before “Excess”;

13 and

14 (B) by adding at the end the following new
15 paragraph:

16 “(2) Excess supplies made available under this sec-
17 tion to support domestic emergency assistance activities
18 shall be transferred to the Secretary of Homeland Secu-
19 rity. The Secretary of Defense may provide assistance in
20 the distribution of such supplies at the request of the Sec-
21 retary of Homeland Security.”.

22 (b) CLERICAL AMENDMENTS.—

23 (1) SECTION HEADING.—The heading of such
24 section is amended to read as follows:

1 **“§ 2557. Excess nonlethal supplies: availability for hu-**
2 **manitarian relief, domestic emergency**
3 **assistance, and homeless veterans assist-**
4 **ance”.**

5 (2) TABLE OF SECTIONS.—The item relating to
6 such section in the table of sections at the beginning
7 of chapter 152 of such title is amended to read as
8 follows:

“2557. Excess nonlethal supplies: availability for humanitarian relief, domestic
emergency assistance, and homeless veterans assistance.”.

9 **SEC. 361. RECOVERY OF MISSING DEPARTMENT OF DE-**
10 **FENSE PROPERTY.**

11 (a) IN GENERAL.—Section 2789 of title 10, United
12 States Code, is amended to read as follows:

13 **“§ 2789. Recovery of Department of Defense property:**
14 **unauthorized or improper disposition**

15 “(a) PROHIBITIONS.—No member of the armed
16 forces, civilian employee of the Government, employee or
17 agent of a contractor, or any other person may sell, lend,
18 pledge, barter, give, transfer, or otherwise dispose of any
19 clothing, arms, articles, equipment, or any other military
20 or Department of Defense property—

21 “(1) to any person not authorized to receive the
22 property in accordance with applicable requirements
23 established by the Department of Defense or a com-
24 ponent thereof; or

1 “(2) in violation of applicable demilitarization
2 regulations of the Department of Defense or a com-
3 ponent thereof.

4 “(b) SEIZURE OF IMPROPERLY DISPOSED OF PROP-
5 ERTY.—If a member of the armed forces, civilian employee
6 of the Government, employee or agent of a contractor, or
7 any other person has improperly disposed of military or
8 Department of Defense property in violation of subsection
9 (a), any civil or military officer of the United States or
10 any State or local law enforcement official may seize the
11 property, wherever found. Title to military or Department
12 of Defense property disposed of in violation of subsection
13 (a) remains with the United States. Possession of such
14 property by a person who is neither a member of the
15 armed forces nor an official of the United States is prima
16 facie evidence that the property has been disposed of in
17 violation of subsection (a).

18 “(c) DELIVERY OF SEIZED PROPERTY.—Any official
19 who seizes property under subsection (b) and is not au-
20 thorized to retain it for the United States shall imme-
21 diately deliver the property to an authorized member of
22 the armed forces or other authorized official of the De-
23 partment of Defense or the Department of Justice.

24 “(d) RETROACTIVE ENFORCEMENT AUTHORIZED.—
25 This section shall apply to any military or Department of

1 Defense property which was the subject of unauthorized
 2 disposition any time after January 1, 2002. This section
 3 shall apply to significant military equipment which was the
 4 subject of unauthorized disposition at any time.

5 “(e) SEVERABILITY CLAUSE.—In the event that any
 6 portion of this section is held unenforceable, all other por-
 7 tions of this section shall remain in full force and effect.

8 “(f) DEFINITION.—In this section, the term ‘signifi-
 9 cant military equipment’ means defense articles on the
 10 United States Munitions List for which special export con-
 11 trols are warranted because of their capacity for substan-
 12 tial military utility or capability.”.

13 (b) CLERICAL AMENDMENT.—The item relating to
 14 such section in the table of sections at the beginning of
 15 chapter 165 of such title is amended to read as follows:

“2789. Recovery of Department of Defense property: unauthorized or improper
 disposition.”.

16 **SEC. 362. AUTHORITY FOR PAYMENT OF FULL REPLACE-**
 17 **MENT VALUE FOR LOSS OR DAMAGE TO**
 18 **HOUSEHOLD GOODS IN LIMITED CASES NOT**
 19 **COVERED BY CARRIER LIABILITY.**

20 (a) CLAIMS AUTHORITY.—

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

1 **“§ 2740. Property loss: reimbursement of members**
2 **and civilian employees for full replace-**
3 **ment value of household effects when**
4 **contractor reimbursement not available**

5 “The Secretary of Defense and the Secretaries of the
6 military departments, in paying a claim under section
7 3721 of title 31 arising from loss or damage to household
8 goods stored or transported at the expense of the Depart-
9 ment of Defense, may pay the claim on the basis of full
10 replacement value in any of the following cases in which
11 reimbursement for the full replacement value for the loss
12 or damage is not available directly from a carrier under
13 section 2636a of this title:

14 “(1) A case in which—

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

21 “(B) the loss or damage occurred under
22 circumstances that exclude the transportation
23 service provider from liability.

24 “(2) A case in which—

25 “(A) the loss or damage occurred while the
26 lost or damaged goods were in the possession of

1 an ocean carrier that was transporting, loading,
2 or unloading the goods under a Department of
3 Defense contract for ocean carriage; and

4 “(B) the land-based portions of the trans-
5 portation were under contracts, in accordance
6 with section 2636a of this title, that require the
7 land carriers to settle claims on the basis of full
8 replacement value.

9 “(3) A case in which—

10 “(A) the lost or damaged goods were
11 transported or stored under a contract or solici-
12 tation that requires at least one of the trans-
13 portation service providers or carriers that han-
14 dled the shipment to settle claims on the basis
15 of full replacement value pursuant to section
16 2636a of this title;

17 “(B) the lost or damaged goods have been
18 in the custody of more than one independent
19 contractor or transportation service provider;
20 and

21 “(C) a claim submitted to the delivering
22 transportation service provider or carrier is de-
23 nied in whole or in part because the loss or
24 damage occurred while the lost or damaged
25 goods were in the custody of a prior transpor-

1 tation service provider or carrier or government
2 entity.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by adding at the end the following new item:

“2740. Property loss: reimbursement of members and civilian employees for full
replacement value of household effects when contractor reim-
bursement not available.”.

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

10 **TITLE IV—MILITARY**
11 **PERSONNEL AUTHORIZATIONS**
12 **Subtitle A—Active Forces**

13 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

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

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

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

22 Section 691(b) of title 10, United States Code, is
23 amended by striking paragraphs (1) through (4) and in-
24 serting the following new paragraphs:

1 “(1) For the Army, 547,400.

2 “(2) For the Navy, 324,300.

3 “(3) For the Marine Corps, 202,100.

4 “(4) For the Air Force, 332,200.”.

5 **Subtitle B—Reserve Forces**

6 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

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

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

12 (2) The Army Reserve, 205,000.

13 (3) The Navy Reserve, 65,500.

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

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

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

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

19 (b) END STRENGTH REDUCTIONS.—The end
20 strengths prescribed by subsection (a) for the Selected Re-
21 serve of any reserve component shall be proportionately
22 reduced by—

23 (1) the total authorized strength of units orga-
24 nized to serve as units of the Selected Reserve of

1 such component which are on active duty (other
2 than for training) at the end of the fiscal year; and

3 (2) the total number of individual members not
4 in units organized to serve as units of the Selected
5 Reserve of such component who are on active duty
6 (other than for training or for unsatisfactory partici-
7 pation in training) without their consent at the end
8 of the fiscal year.

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

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

19 Within the end strengths prescribed in section
20 411(a), the reserve components of the Armed Forces are
21 authorized, as of September 30, 2011, the following num-
22 ber of Reserves to be serving on full-time active duty or
23 full-time duty, in the case of members of the National
24 Guard, for the purpose of organizing, administering, re-
25 cruiting, instructing, or training the reserve components:

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

3 (2) The Army Reserve, 16,261.

4 (3) The Navy Reserve, 10,688.

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

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

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

9 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

10 **(DUAL STATUS).**

11 The minimum number of military technicians (dual
12 status) as of the last day of fiscal year 2011 for the re-
13 serve components of the Army and the Air Force (notwith-
14 standing section 129 of title 10, United States Code) shall
15 be the following:

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

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

19 (3) For the Air Force Reserve, 10,720.

20 (4) For the Air National Guard of the United
21 States, 22,394.

22 **SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF**

23 **NON-DUAL STATUS TECHNICIANS.**

24 (a) LIMITATIONS.—

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

6 (A) For the Army National Guard of the
7 United States, 2,520.

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

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

13 (3) AIR FORCE RESERVE.—The number of non-
14 dual status technicians employed by the Air Force
15 Reserve as of September 30, 2011, may not exceed
16 90.

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

21 (c) CONFORMING AMENDMENT TO ANNUAL LIMITA-
22 TION ON NON-DUAL STATUS TECHNICIANS FOR THE
23 ARMY NATIONAL GUARD.—Section 10217(c)(2) of title
24 10, United States Code, is amended by striking “1,950”
25 and inserting “2,870”.

1 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
2 **THORIZED TO BE ON ACTIVE DUTY FOR**
3 **OPERATIONAL SUPPORT.**

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

9 (1) The Army National Guard of the United
10 States, 17,000.

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

13 (4) The Marine Corps Reserve, 3,000.

14 (5) The Air National Guard of the United
15 States, 16,000.

16 (6) The Air Force Reserve, 14,000.

17 **Subtitle C—Authorization of**
18 **Appropriations**

19 **SEC. 421. MILITARY PERSONNEL.**

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

24 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
25 thorization of appropriations in subsection (a) supersedes

1 any other authorization of appropriations (definite or in-
2 definite) for such purpose for fiscal year 2011.

3 **TITLE V—MILITARY PERSONNEL**
4 **POLICY**
5 **Subtitle A—Officer Personnel**
6 **Policy Generally**

7 **SEC. 501. AGE FOR HEALTH CARE PROFESSIONAL APPOINT-**
8 **MENTS AND MANDATORY RETIREMENTS.**

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

12 (b) ADDITIONAL CATEGORIES OF OFFICERS ELIGI-
13 BLE FOR DEFERRAL OF MANDATORY RETIREMENT FOR
14 AGE.—Section 1251(b) of such title is amended—

15 (1) in paragraph (1), by striking “the officer
16 will be performing duties consisting primarily of pro-
17 viding patient care or performing other clinical du-
18 ties.” and inserting “the officer—

19 “(A) will be performing duties consisting pri-
20 marily of providing patient care or performing other
21 clinical duties; or

22 “(B) is in a category of officers designated
23 under subparagraph (D) of paragraph (2) whose du-
24 ties will consist primarily of the duties described in
25 clause (i), (ii), or (iii) of such subparagraph.”; and

1 (2) in paragraph (2)—

2 (A) by striking “or” at the end of subpara-
3 graph (B);

4 (B) by striking the period at the end of
5 subparagraph (C) and inserting “; or”; and

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

8 “(D) an officer in a category of officers des-
9 ignated by the Secretary concerned for the purposes
10 of this paragraph as consisting of officers whose du-
11 ties consist primarily of—

12 “(i) providing health care;

13 “(ii) performing other clinical care; or

14 “(iii) performing health-care related ad-
15 ministrative duties.”.

16 **SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OF-**
17 **FICERS IN THE GRADE OF W-1 BY COMMIS-**
18 **SION AND STANDARDIZATION OF WARRANT**
19 **OFFICER APPOINTING AUTHORITY.**

20 (a) REGULAR OFFICERS.—

21 (1) AUTHORITY FOR APPOINTMENTS BY COM-
22 MISSION IN WARRANT OFFICER W-1 GRADE.—The
23 first sentence of section 571(b) of title 10, United
24 States Code, is amended by striking “by the Sec-
25 retary concerned” and inserting “, except that, with

1 respect to an armed force under the jurisdiction of
2 the Secretary of a military department, the Sec-
3 retary may provide by regulation that appointments
4 in that grade shall be made by commission”.

5 (2) APPOINTING AUTHORITY.—The second sen-
6 tence of section 571(b) of such title is amended by
7 inserting before the period at the end the following:
8 “, and appointments in the grade of regular warrant
9 officer, W-1 (whether by warrant or commission),
10 shall be made by the President, except that appoint-
11 ments in that grade in the Coast Guard shall be
12 made by the Secretary of Homeland Security when
13 it is not operating as a service in the Department
14 of the Navy”.

15 (b) RESERVE OFFICERS.—Subsection (b) of section
16 12241 of such title is amended to read as follows:

17 “(b) Appointments in permanent reserve warrant of-
18 ficer grades shall be made in the same manner as is pre-
19 scribed for regular warrant officer grades by section
20 571(b) of this title.”.

21 (c) PRESIDENTIAL FUNCTIONS.—Except as other-
22 wise provided by the President by Executive order, the
23 provisions of Executive Order No. 13384 (10 U.S.C. 531
24 note) relating to the functions of the President under the
25 second sentence of section 571(b) of title 10, United

1 States Code, shall apply in the same manner to the func-
2 tions of the President under section 12241(b) of title 10,
3 United States Code.

4 **SEC. 503. NONDISCLOSURE OF INFORMATION FROM DIS-**
5 **CUSSIONS, DELIBERATIONS, NOTES, AND**
6 **RECORDS OF SPECIAL SELECTION BOARDS.**

7 (a) NONDISCLOSURE OF BOARD PROCEEDINGS.—
8 Section 613a of title 10, United States Code, is amend-
9 ed—

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

12 “(a) PROHIBITION ON DISCLOSURE.—The pro-
13 ceedings of a selection board convened under section 573,
14 611, or 628 of this title may not be disclosed to any person
15 not a member of the board, except as authorized or re-
16 quired to process the report of the board. This prohibition
17 is a statutory exemption from disclosure, as described in
18 section 552(b)(3) of title 5.”;

19 (2) in subsection (b), by striking “AND
20 RECORDS” and inserting “NOTES, AND RECORDS”;
21 and

22 (3) by adding at the end the following new sub-
23 section:

24 “(c) APPLICABILITY.—This section applies to all se-
25 lection boards convened under section 573, 611, or 628

1 of this title, regardless of the date on which the board
2 was convened.”.

3 (b) REPORTS OF BOARDS.—Section 628(c)(2) of
4 such title is amended by striking “sections 576(d) and
5 576(f)” and inserting “sections 576(d), 576(f), and
6 613a”.

7 (c) RESERVE BOARDS.—Section 14104 of such title
8 is amended—

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

11 “(a) PROHIBITION ON DISCLOSURE.—The pro-
12 ceedings of a selection board convened under section
13 14101 or 14502 of this title may not be disclosed to any
14 person not a member of the board, except as authorized
15 or required to process the report of the board. This prohi-
16 bition is a statutory exemption from disclosure, as de-
17 scribed in section 552(b)(3) of title 5.”;

18 (2) in subsection (b), by striking “AND
19 RECORDS” and inserting “NOTES, AND RECORDS”;
20 and

21 (3) by adding at the end the following new sub-
22 section:

23 “(c) APPLICABILITY.—This section applies to all se-
24 lection boards convened under section 14101 or 14502 of

1 this title, regardless of the date on which the board was
2 convened.”.

3 **SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM**
4 **LIST OF OFFICERS RECOMMENDED FOR PRO-**
5 **MOTION.**

6 (a) ACTIVE-DUTY LIST.—Section 629 of title 10,
7 United States Code, is amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) ADMINISTRATIVE REMOVAL.—If an officer on
13 the active-duty list is discharged or dropped from the rolls,
14 transferred to a retired status, or found to have been erro-
15 neously included in a zone of consideration, after having
16 been recommended for promotion to a higher grade under
17 this chapter, but before being promoted, the officer shall
18 be administratively removed from the promotion list under
19 regulations prescribed by the Secretary concerned.”.

20 (b) RESERVE ACTIVE-STATUS LIST.—Section 14310
21 of such title is amended—

22 (1) by redesignating subsection (d) as sub-
23 section (e); and

24 (2) by inserting after subsection (c) the fol-
25 lowing new subsection (d):

1 “(d) ADMINISTRATIVE REMOVAL.—If an officer on
 2 the reserve active-status list is discharged or dropped from
 3 the rolls, transferred to a retired status, or found to have
 4 been erroneously included in a zone of consideration, after
 5 having been recommended for promotion to a higher grade
 6 under this chapter or after having been found qualified
 7 for Federal recognition in the higher grade under title 32,
 8 but before being promoted, the officer shall be administra-
 9 tively removed from the promotion list under regulations
 10 prescribed by the Secretary concerned.”.

11 **SEC. 505. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS**
 12 **OF INQUIRY FOR SEPARATION OF REGULAR**
 13 **OFFICERS FOR SUBSTANDARD PERFORM-**
 14 **ANCE AND OTHER REASONS.**

15 (a) ACTIVE DUTY.—Section 1187 of title 10, United
 16 States Code, is amended—

17 (1) in subsection (a), by striking paragraphs
 18 (2) and (3) and inserting the following new para-
 19 graphs:

20 “(2) Each member of the board shall be senior
 21 in rank or grade to the officer being required to
 22 show cause for retention on active duty.

23 “(3) At least one member of the board—

24 “(A) shall be in or above the grade of
 25 major or lieutenant commander, if the grade of

1 the officer being required to show cause for re-
2 tention on active duty is below the grade of
3 major or lieutenant commander; or

4 “(B) shall be in a grade above lieutenant
5 colonel or commander, if the grade of the offi-
6 cer being required to show cause for retention
7 on active duty is major or lieutenant com-
8 mander or above.”;

9 (2) in subsection (b), by striking “that officer—
10 ” and all that follows through the period at the end
11 and inserting “that officer meets the grade require-
12 ments of subsection (a)(2).”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(e) REGULATIONS.—The Secretary of a military de-
16 partment may prescribe regulations limiting the eligibility
17 of officers to serve on a board convened under this chapter
18 to officers who, while otherwise qualified, are in the opin-
19 ion of the Secretary best suited for that duty by reason
20 of age, education, training, experience, length of service,
21 or temperament.”.

22 (b) RESERVES.—Section 14906 of such title is
23 amended—

1 (1) in subsection (a), by striking paragraphs
2 (2) and (3) and inserting the following new para-
3 graphs:

4 “(2) Each member of the board shall be senior
5 in rank or grade to the officer being required to
6 show cause for retention in an active status.

7 “(3) At least one member of the board—

8 “(A) shall be in or above the grade of
9 major or lieutenant commander, if the grade of
10 the officer being required to show cause for re-
11 tention in an active status is below the grade of
12 major or lieutenant commander; or

13 “(B) shall be in a grade above lieutenant
14 colonel or commander, if the grade of the offi-
15 cer being required to show cause for retention
16 in an active status is major or lieutenant com-
17 mander or above.”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(c) REGULATIONS.—The Secretary of a military de-
21 partment may prescribe regulations limiting the eligibility
22 of officers to serve on a board convened under this chapter
23 to officers who, while otherwise qualified, are in the opin-
24 ion of the Secretary best suited for that duty by reason

1 of age, education, training, experience, length of service,
2 or temperament.”.

3 **SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM**
4 **LENGTH OF ACTIVE SERVICE AS A COMMIS-**
5 **SIONED OFFICER REQUIRED FOR VOL-**
6 **UNTARY RETIREMENT AS AN OFFICER.**

7 (a) ARMY.—Section 3911(b)(2) of title 10, United
8 States Code, is amended by striking “January 6, 2006,
9 and ending on December 31, 2008” and inserting “the
10 date of the enactment of the National Defense Authoriza-
11 tion Act for Fiscal Year 2011 and ending on September
12 30, 2013”.

13 (b) NAVY AND MARINE CORPS.—Section
14 6323(a)(2)(B) of such title is amended by striking “Janu-
15 ary 6, 2006, and ending on December 31, 2008” and in-
16 serting “the date of the enactment of the National De-
17 fense Authorization Act for Fiscal Year 2011 and ending
18 on September 30, 2013”.

19 (c) AIR FORCE.—Section 8911(b)(2) of such title is
20 amended by striking “January 6, 2006, and ending on De-
21 cember 31, 2008” and inserting “the date of the enact-
22 ment of the National Defense Authorization Act for Fiscal
23 Year 2011 and ending on September 30, 2013”.

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 511. PRESEPARATION COUNSELING FOR MEMBERS OF**
4 **THE RESERVE COMPONENTS.**

5 (a) REQUIREMENT; EXCEPTION.—Subsection (a)(1)
6 of section 1142 of title 10, United States Code, is amend-
7 ed—

8 (1) in the first sentence—

9 (A) by striking “Within” and inserting
10 “(A) Within”; and

11 (B) by striking “of each member” and all
12 that follows through the period at the end of
13 the sentence and inserting the following: “of—

14 “(i) each member of the armed forces whose
15 discharge or release from active duty is anticipated
16 as of a specific date; and

17 “(ii) each member of a reserve component not
18 covered by clause (i) whose discharge or release from
19 service is anticipated as of a specific date.”; and

20 (2) in the second sentence, by striking “A nota-
21 tion of the provision of such counseling” and insert-
22 ing the following:

23 “(B) A notation of the provision of preseparation
24 counseling”.

1 (b) CLARIFICATION OF COVERED MATTERS.—Sub-
2 section (b)(7) of such section is amended by striking
3 “from active duty”.

4 **SEC. 512. MILITARY CORRECTION BOARD REMEDIES FOR**
5 **NATIONAL GUARD MEMBERS.**

6 Subsection (a) of section 1552 of title 10, United
7 States Code, is amended—

8 (1) in paragraph (1), by striking “military
9 record of the Secretary’s department” and inserting
10 “military record of an armed force, including reserve
11 components thereof, under the jurisdiction of the
12 Secretary”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(5) In the case of a member of the National Guard,
16 the authority to correct any military record of the member
17 under this section extends only to records generated while
18 the member was in Federal service and does not apply to
19 matters related to State government policy and procedures
20 related to its National Guard.”.

21 **SEC. 513. REMOVAL OF STATUTORY DISTRIBUTION LIMITS**
22 **ON NAVY RESERVE FLAG OFFICER ALLOCA-**
23 **TION.**

24 Section 12004(c) of title 10, United States Code, is
25 amended—

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

2 and

3 (2) by redesignating paragraph (4) as para-

4 graph (2).

5 **SEC. 514. ASSIGNMENT OF AIR FORCE RESERVE MILITARY**

6 **TECHNICIANS (DUAL STATUS) TO POSITIONS**

7 **OUTSIDE AIR FORCE RESERVE UNIT PRO-**

8 **GRAM.**

9 Section 10216(d) of title 10, United States Code, is
10 amended by adding at the end the following new para-
11 graph:

12 “(3) Paragraph (1) does not apply to a military tech-
13 nician (dual status) who is employed by the Air Force Re-
14 serve in an area other than the Air Force Reserve unit
15 program, except that not more than 50 of such technicians
16 may be assigned outside of the unit program at the same
17 time.”.

18 **SEC. 515. TEMPORARY AUTHORITY FOR TEMPORARY EM-**

19 **PLOYMENT OF NON-DUAL STATUS MILITARY**

20 **TECHNICIANS.**

21 Section 10217 of title 10, United States Code, is
22 amended—

23 (1) in subsection (a)—

24 (A) by striking “or” at the end of para-

25 graph (1);

1 (B) by striking the period at the end of
2 paragraph (2) and inserting “; or”; and

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

5 “(3) is hired as a temporary employee pursuant
6 to the exception for temporary employment provided
7 by subsection (d) and subject to the terms and con-
8 ditions of such subsection.”; and

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

11 “(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—

12 (1) Notwithstanding section 10218 of this title, the Sec-
13 retary of the Army or the Secretary of the Air Force may
14 employ, for a period not to exceed two years, a person
15 to fill a vacancy created by the mobilization of a military
16 technician (dual status) occupying a position under section
17 10216 of this title.

18 “(2) The duration of the temporary employment of
19 a person in a military technician position under this sub-
20 section may not exceed the shorter of the following:

21 “(A) The period of mobilization of the military
22 technician (dual status) whose vacancy is being filled
23 by the temporary employee.

24 “(B) Two years.

1 “(3) No persons may be hired under the authority
2 of this subsection after the end of the 2-year period begin-
3 ning on the date of the enactment of this subsection.”.

4 **SEC. 516. REVISED STRUCTURE AND FUNCTIONS OF RE-**
5 **SERVE FORCES POLICY BOARD.**

6 (a) REVISED STRUCTURE AND FUNCTIONS.—Section
7 10301 of title 10, United States Code, is amended to read
8 as follows:

9 **“§ 10301. Reserve Forces Policy Board**

10 “(a) FUNCTIONS.—As provided in section 175 of this
11 title, there is in the Office of the Secretary of Defense
12 a Reserve Forces Policy Board. The Board shall serve as
13 an independent adviser to the Secretary of Defense to pro-
14 vide advice and recommendations to the Secretary on
15 strategies, policies, and practices designed to improve and
16 enhance the capabilities, efficiency, and effectiveness of
17 the reserve components. The Board shall report directly
18 to the Secretary to provide independent advice and rec-
19 ommendations to the Secretary on matters relating to the
20 and reserve components.

21 “(b) MEMBERSHIP.—The Board consists of 20 mem-
22 bers, appointed or designated as follows:

23 “(1) A civilian chairman appointed by the Sec-
24 retary of Defense, who shall be a person who the
25 Secretary determines has the knowledge of, and ex-

1 perience in, policy matters relevant to national secu-
2 rity and reserve component matters required to
3 carry out the duties of chairman.

4 “(2) Two reserve general officers designated by
5 the Secretary of Defense upon the recommendation
6 of the Secretary of the Army, one of whom shall be
7 a member of the Army National Guard of the
8 United States and one of whom shall be a member
9 of the Army Reserve.

10 “(3) Two reserve officers designated by the Sec-
11 retary of Defense upon the recommendation of the
12 Secretary of the Navy, one of whom shall be a Navy
13 Reserve flag officer and one of whom shall be a Ma-
14 rine Corps Reserve general officer.

15 “(4) Two reserve general officers designated by
16 the Secretary of Defense upon the recommendation
17 of the Secretary of the Air Force, one of whom shall
18 be a member of the Air National Guard of the
19 United States and one of whom shall be a member
20 of the Air Force Reserve.

21 “(5) One Coast Guard flag officer designated
22 by the Secretary of Homeland Security when the
23 Coast Guard is not operating as a service within the
24 Department of the Navy, or designated by the Sec-
25 retary of Defense, upon the recommendation of the

1 Secretary of the Navy, when the Coast Guard is op-
2 erating as a service in the Navy under section 3 of
3 title 14.

4 “(6) Ten persons appointed or designated by
5 the Secretary of Defense, each of whom shall be a
6 United States citizen and have significant knowledge
7 of and experience in policy matters relevant to na-
8 tional security and reserve component matters and
9 shall be one of the following:

10 “(A) An individual not employed in any
11 Federal or State department or agency.

12 “(B) An individual employed by a Federal
13 or State department or agency.

14 “(C) An officer of a regular component on
15 active duty, or an officer of a reserve compo-
16 nent in an active status, who has served or is
17 serving in a senior position on the Joint Staff,
18 a combatant command headquarters staff, or a
19 service headquarters staff.

20 “(7) A reserve officer of the Army, Navy, Air
21 Force, or Marine Corps who is a general or flag offi-
22 cer recommended by the chairman and designated by
23 the Secretary of Defense, who shall serve without
24 vote—

25 “(A) as military adviser to the chairman;

1 “(B) as military executive officer of the
2 Board; and

3 “(C) as supervisor of the Board operations
4 and staff.

5 “(8) A senior enlisted member of a reserve com-
6 ponent recommended by the chairman and appointed
7 by the Secretary of Defense, who shall serve without
8 vote as enlisted military adviser to the chairman.

9 “(c) INDEPENDENT ADVICE.—In the case of a mem-
10 ber of the Board who is an officer or employee of the De-
11 partment of Defense or a member of the armed forces,
12 the advice provided in that member’s capacity as a mem-
13 ber of the Board shall be rendered independently of the
14 Board member’s other duties as an officer or employee
15 of the Department of Defense or member of the armed
16 forces.

17 “(d) MATTERS TO BE ACTED ON.—The Board shall
18 act on those matters referred to it by the chairman and
19 on any matter raised by a member of the Board.

20 “(e) STAFF.—The Board shall be supported by a
21 staff consisting of one full-time officer from each of the
22 reserve components listed in paragraphs (1) through (6)
23 of section 10101 of this title who holds the grade of colo-
24 nel, or in the case of the Navy the grade of captain, or
25 who has been selected for promotion to that grade. These

1 officers shall also serve as liaisons between their respective
2 components and the Board. They shall perform their staff
3 and liaison duties under the supervision of the military
4 executive in an independent manner reflecting the inde-
5 pendent nature of the Board.

6 “(f) RELATIONSHIP TO SERVICE RESERVE POLICY
7 COMMITTEES AND BOARDS.—This section does not affect
8 the committees and boards prescribed within the military
9 departments by sections 10302 through 10305 of this
10 title, and a member of such a committee or board may,
11 if otherwise eligible, be a member of the Board.”.

12 (b) BOARD MEMBERSHIP TRANSITION PROVISION.—
13 The members of the Reserve Forces Policy Board as of
14 the date of the enactment of this Act shall continue to
15 serve on the Board in accordance with their respective
16 terms of service as of such date, and except to ensure that
17 the positions of chairman and military executive of the
18 Board continue to be filled, and to ensure that the reserve
19 components listed in paragraphs (1) through (7) of section
20 10101 of title 10, United States Code, continue to have
21 representation, no appointment or designation of a mem-
22 ber of the Board may be made after such date until the
23 number of voting members of the Board is fewer than 18.
24 Once the number of voting members is fewer than 18, va-
25 cancies in the Board membership shall be filled in accord-

1 ance with section 10301 of title 10, United States Code,
2 as amended by subsection (a).

3 (c) REVISION TO ANNUAL REPORT REQUIREMENT.—
4 Section 113(c)(2) of title 10, United States Code, is
5 amended by striking “the reserve programs of the Depart-
6 ment of Defense and on any other matters” and inserting
7 “any reserve component matter”.

8 **SEC. 517. MERIT SYSTEMS PROTECTION BOARD AND JUDI-**
9 **CIAL REMEDIES FOR NATIONAL GUARD**
10 **TECHNICIANS.**

11 (a) ELIMINATION OF RESTRICTED RIGHT OF AP-
12 PEAL.—

13 (1) CURRENT RESTRICTION TO ADJUTANT GEN-
14 ERAL.—Subsection (f) of section 709 of title 32,
15 United States Code, is amended by striking para-
16 graph (4).

17 (2) STYLISTIC AND CONFORMING AMEND-
18 MENTS.—Such subsection is further amended—

19 (A) by striking the material preceding
20 paragraph (1);

21 (B) by capitalizing the first word in para-
22 graphs (1), (2), (3), and (5);

23 (C) by striking the semicolon at the end of
24 paragraphs (1), (2), and (3) and inserting a pe-
25 riod;

1 (D) by redesignating paragraph (5) as
2 paragraph (4); and

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

5 “(5) This subsection shall be carried out under
6 regulations prescribed by the Secretary concerned.”.

7 (b) APPLICATION OF CERTAIN TITLE 5 PROVI-
8 SIONS.—Section 709(g) of title 32, United States Code,
9 is amended by striking “Sections 2108, 3502, 7511, and
10 7512” and inserting “Section 2108”.

11 (c) APPLICATION OF ADVERSE ACTIONS SUB-
12 CHAPTER.—Section 7511(b) of title 5, United States
13 Code, is amended—

14 (1) by striking paragraph (5); and

15 (2) by redesignating paragraphs (6) through
16 (10) as paragraphs (5) through (9), respectively.

17 **Subtitle C—Joint Qualified Officers**
18 **and Requirements**

19 **SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT**
20 **MATTERS FOR PURPOSES OF JOINT OFFICER**
21 **MANAGEMENT.**

22 Section 668(a) of title 10, United States Code, is
23 amended—

24 (1) in paragraph (1)—

1 (A) by striking “multiple” in the matter
2 preceding subparagraph (A) and inserting “in-
3 tegrated”; and

4 (B) by striking “and” at the end of the
5 subparagraph (D) and inserting “or”; and

6 (2) by striking paragraph (2) and inserting the
7 following new paragraph:

8 “(2) In the context of joint matters, the term ‘inte-
9 grated military forces’ refers to military forces that are
10 involved in the planning or execution (or both) of oper-
11 ations involving participants from—

12 “(A) more than one military department; or

13 “(B) a military department and one or more of
14 the following:

15 “(i) Other departments and agencies of the
16 United States.

17 “(ii) The military forces or agencies of
18 other countries.

19 “(iii) Non-governmental persons or enti-
20 ties.”.

1 **SEC. 522. CHANGES TO PROCESS INVOLVING PROMOTION**
2 **BOARDS FOR JOINT QUALIFIED OFFICERS**
3 **AND OFFICERS WITH JOINT STAFF EXPERI-**
4 **ENCE.**

5 (a) BOARD COMPOSITION.—Subsection (c) of section
6 612 of title 10, United States Code, is amended to read
7 as follows:

8 “(c)(1) Each selection board convened under section
9 611(a) of this title that will consider an officer described
10 in paragraph (2) shall include at least one officer des-
11 ignated by the Chairman of the Joint Chiefs of Staff who
12 is a joint qualified officer.

13 “(2) Paragraph (1) applies with respect to an officer
14 who—

15 “(A) is serving in, or has served in, a joint duty
16 assignment;

17 “(B) is serving on, or has served on, the Joint
18 Staff; or

19 “(C) is a joint qualified officer.

20 “(3) The Secretary of Defense may waive the require-
21 ment in paragraph (1) in the case of—

22 “(A) any selection board of the Marine Corps;
23 or

24 “(B) any selection board that is considering of-
25 ficers in specialties identified in paragraph (2) or (3)
26 of section 619a(b) of this title.”.

1 (b) INFORMATION FURNISHED TO SELECTION
2 BOARDS.—Section 615 of such title is amended by strik-
3 ing “in joint duty assignments of officers who are serving,
4 or have served, in such assignments” in subsections (b)(5)
5 and (c) and inserting “of officers who are serving on, or
6 have served on, the Joint Staff or are joint qualified offi-
7 cers”.

8 (c) ACTION ON REPORT OF SELECTION BOARDS.—
9 Section 618(b) of such title is amended—

10 (1) in paragraph (1), by striking “are serving,
11 or have served, in joint duty assignments” and in-
12 serting “are serving on, or have served on, the Joint
13 Staff or are joint qualified officers”;

14 (2) in subparagraphs (A) and (B) of paragraph
15 (2), by striking “in joint duty assignments of offi-
16 cers who are serving, or have served, in such assign-
17 ments” and inserting “of officers who are serving
18 on, or have served on, the Joint Staff or are joint
19 qualified officers”; and

20 (3) in paragraph (4), by striking “in joint duty
21 assignments” and inserting “who are serving on, or
22 have served on, the Joint Staff or are joint qualified
23 officers”.

1 **SEC. 523. SECURE ELECTRONIC DELIVERY OF CERTIFICATE**
2 **OF RELEASE OR DISCHARGE FROM ACTIVE**
3 **DUTY (DD FORM 214).**

4 Section 596 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
6 1168 note) is amended—

7 (1) by inserting “(a) ELECTION TO FORWARD
8 CERTIFICATE TO VA OFFICES—” before “The Sec-
9 retary of Defense”; and

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

12 “(b) SECURE METHOD OF ELECTRONIC DELIV-
13 ERY.—

14 “(1) DEVELOPMENT AND IMPLEMENTATION.—

15 The Secretary of Veterans Affairs, in consultation
16 with the Secretary of Defense, shall develop and im-
17 plement a secure electronic method of forwarding
18 the DD Form 214 to the appropriate office specified
19 in subsection (a)(2). The Secretary of Veterans Af-
20 fairs shall ensure that the method permits such of-
21 fices to access the forms electronically using current
22 computer operating systems.

23 “(2) AUTHORITY TO CEASE DELIVERY.—In de-
24 veloping the secure electronic method of forwarding
25 DD Forms 214, the Secretary of Veterans Affairs
26 shall ensure that the information provided is not dis-

1 closed or used for unauthorized purposes and may
2 cease forwarding the forms electronically to an office
3 specified in subsection (a)(2) if demonstrated prob-
4 lems arise.”.

5 **Subtitle D—General Service**
6 **Authorities**

7 **SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO**
8 **ORDER RETIRED MEMBERS OF THE ARMED**
9 **FORCES TO ACTIVE DUTY IN HIGH-DEMAND,**
10 **LOW-DENSITY ASSIGNMENTS.**

11 (a) EXTENSION OF AUTHORITY.—Section 688a(f) of
12 title 10, United States Code, is amended by striking “De-
13 cember 31, 2010” and inserting “December 31, 2012”.

14 (b) REPORT REQUIRED.—Not later than April 1,
15 2011, the Secretary of Defense shall submit to the Com-
16 mittees on Armed Services of the Senate and the House
17 of Representatives a report containing an assessment by
18 the Secretary of the need to extend the authority provided
19 by section 688a of title 10, United States Code, beyond
20 December 31, 2012. The report shall include, at a min-
21 imum, the following:

22 (1) A list of the current types of high-demand,
23 low-density capabilities (as defined in such section)
24 for which the authority is being used to address
25 operational requirements.

1 (2) For each high-demand, low-density capa-
2 bility included in the list under paragraph (1), the
3 number of retired members of the Armed Forces
4 who have served on active duty at any time during
5 each of fiscal years 2007 through 2010 under the
6 authority.

7 (3) A plan to increase the required active duty
8 strength for the high-demand, low-density capabili-
9 ties included in the list under paragraph (1) to
10 eliminate the need to use the authority.

11 **SEC. 532. CORRECTION OF MILITARY RECORDS.**

12 (a) IMPROVED DOCUMENTATION OF CORRECTION
13 BOARD DECISIONS.—Section 1552(a)(3) of title 10,
14 United States Code, is amended—

15 (1) by inserting “(A)” after “(3)”; and

16 (2) by adding at the end the following new sub-
17 paragraph:

18 “(B) In establishing correction procedures under sub-
19 paragraph (A), the Secretary of a military department
20 shall require that a board established under subsection
21 (a)(1) present its findings and conclusions in an orderly
22 and itemized fashion, with specific attention given to each
23 issue presented by the claimant (or heir or representative)
24 who requested the correction. This requirement applies to
25 a request for correction received after the date of the en-

1 actment of this subparagraph, both during initial consider-
2 ation of the request and upon subsequent consideration
3 due to appeal or other circumstances.”.

4 (b) IMPROVED DOCUMENTATION OF REVIEW BOARD
5 DECISIONS REGARDING DISCHARGE OR DISMISSAL.—Sec-
6 tion 1553(b) of such title is amended—

7 (1) by inserting “(1)” after “(b)”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(2) In establishing review procedures for use by a
11 board established under this section, the Secretary of a
12 military department shall require that the board present
13 its findings and conclusions in an orderly and itemized
14 fashion, with specific attention given to each issue pre-
15 sented by the person who requested the review. This re-
16 quirement applies to a request for review received after
17 the date of the enactment of this paragraph, both during
18 initial consideration of the request and upon subsequent
19 consideration due to appeal or other circumstances.”.

20 (c) BOARDS REVIEWING RETIREMENT OR SEPARA-
21 TION WITHOUT PAY FOR PHYSICAL DISABILITY.—

22 (1) MEMBERS ELIGIBLE TO REQUEST RE-
23 VIEW.—Subsection (a) of section 1554 of such title
24 is amended—

1 (A) by striking “an officer” and inserting
2 “a member or former member of the uniformed
3 services”; and

4 (B) by striking “his case” and inserting
5 “the member’s case”.

6 (2) IMPROVED DOCUMENTATION OF BOARD DE-
7 CISIONS.—Subsection (b) of such section is amend-
8 ed—

9 (A) by inserting “(1)” after “(b)”; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(2) In establishing review procedures for use by a
13 board established under this section, the Secretary of a
14 military department shall require that the board present
15 its findings and conclusions in an orderly and itemized
16 fashion, with specific attention given to each issue pre-
17 sented by the person who requested the review. This re-
18 quirement applies to a request for review received after
19 the date of the enactment of this paragraph, both during
20 initial consideration of the request and upon subsequent
21 consideration due to appeal or other circumstances.”.

22 (d) LIMITATION ON REDUCTION IN PERSONNEL AS-
23 SIGNED TO DUTY WITH SERVICE REVIEW AGENCY.—
24 1559(a) of such title is amended by striking “December
25 31, 2010” and inserting “December 31, 2013”.

1 **SEC. 533. MODIFICATION OF CERTIFICATE OF RELEASE OR**
2 **DISCHARGE FROM ACTIVE DUTY (DD FORM**
3 **214) TO SPECIFICALLY IDENTIFY A SPACE**
4 **FOR INCLUSION OF E-MAIL ADDRESS.**

5 The Secretary of Defense shall modify the Certificate
6 of Release or Discharge from Active Duty (DD Form 214)
7 to include a new Block, 19c., titled “**ELECTRONIC MAIL-**
8 **ING (E-MAIL) ADDRESS AFTER SEPARATION**” in
9 order to permit a member of the Armed Forces to include
10 an email address at which the member may be reached
11 after the member’s discharge or release.

12 **SEC. 534. RECOGNITION OF ROLE OF FEMALE MEMBERS OF**
13 **THE ARMED FORCES AND DEPARTMENT OF**
14 **DEFENSE REVIEW OF MILITARY OCCUPA-**
15 **TIONAL SPECIALTIES AVAILABLE TO FEMALE**
16 **MEMBERS.**

17 (a) FINDINGS.—Congress make the following find-
18 ings:

19 (1) Women are and have historically been an
20 import part of all United States war efforts, volun-
21 tarily serving in every military conflict in United
22 States history, including the Revolutionary War.

23 (2) Approximately 34,000 women served in the
24 Armed Forces in World War I, approximately
25 400,000 served in World War II, approximately
26 120,000 served in the Korean War, over 7,000

1 served in the Vietnam War, and more than 41,000
2 served in the first Gulf War.

3 (3) Over 350,000 women serving in the Armed
4 Forces make up approximate 15 percent of all active
5 duty personnel, 15 percent of Reserves, and 17 per-
6 cent of the National Guard.

7 (4) Over 225,349 women have served in Oper-
8 ation Iraqi Freedom or Operation Enduring Free-
9 dom as members of the Armed Forces.

10 (5) At least 120 female members of the Armed
11 Forces have been killed in Iraq or Afghanistan, and,
12 of the women killed, 66 were killed in combat.

13 (6) The nature of war has changed in Iraq and
14 Afghanistan, and, despite the prohibition on female
15 members of the Armed Forces serving in combat, so
16 has the role of female members of the Armed
17 Forces.

18 (b) OFFICIAL RECOGNITION.—Congress—

19 (1) honors women who have served, and women
20 who are currently serving, as members of the Armed
21 Forces; and

22 (2) encourages all people in the United States
23 to recognize the service and achievements of female
24 members of the Armed Forces and female veterans.

25 (c) REVIEWS REQUIRED.—

1 (1) **REVIEWS; ELEMENTS.**—The Secretary of
2 Defense shall conduct a review of military occupa-
3 tional positions available to female members of the
4 Armed Forces for the purpose of ensuring that fe-
5 male members have the maximum opportunity to
6 compete and excel in the Armed Forces. The Sec-
7 retary of Defense, in coordination with the Secre-
8 taries of the military departments, also shall review
9 the collocation policy and other policies and regula-
10 tions that restrict the service of female members to
11 determine whether changes are needed, including
12 legislative change, if necessary, to enhance the abil-
13 ity of women to serve in the Armed Forces.

14 (2) **SUBMISSION OF RESULTS.**—Not later than
15 February 1, 2011, the Secretary of Defense shall
16 submit to the congressional defense committee a re-
17 port containing the results of the reviews.

18 **SEC. 535. MATTERS COVERED BY PRESEPARATION COUN-**
19 **SELING FOR MEMBERS OF THE ARMED**
20 **FORCES AND THEIR SPOUSES.**

21 Section 1142(b) of title 10, United States Code, is
22 amended—

23 (1) in paragraph (5), by striking “job place-
24 ment counseling for the spouse” and inserting “in-
25 clusion of the spouse when counseling regarding the

1 matters covered by paragraphs (9), (10), and (16)
2 is provided, job placement counseling for the spouse,
3 and the provision of information on survivor benefits
4 available under the laws administered by the Sec-
5 retary of Defense or the Secretary of Veterans Af-
6 fairs”;

7 (2) in paragraph (9), by inserting before the pe-
8 riod the following: “, including information on budg-
9 eting, saving, credit, loans, and taxes”;

10 (3) in paragraph (10), by striking “and employ-
11 ment” and inserting “, employment, and financial”;

12 (4) by striking paragraph (16) and inserting
13 the following new paragraph:

14 “(16) Information on home loan services and
15 housing assistance benefits available under the laws
16 administered by the Secretary of Veterans Affairs
17 and counseling on responsible borrowing practices.”;
18 and

19 (5) in paragraph (17), by inserting before the
20 period the following: “, and information regarding
21 the means by which the member can receive addi-
22 tional counseling regarding the member’s actual en-
23 titlement to such benefits and apply for such bene-
24 fits”.

1 **SEC. 536. DEPARTMENT OF DEFENSE POLICY CONCERNING**
2 **HOMOSEXUALITY IN THE ARMED FORCES.**

3 (a) COMPREHENSIVE REVIEW ON THE IMPLEMENTA-
4 TION OF A REPEAL OF 10 U.S.C. 654.—

5 (1) IN GENERAL.—On March 2, 2010, the Sec-
6 retary of Defense issued a memorandum directing
7 the Comprehensive Review on the Implementation of
8 a Repeal of 10 U.S.C. 654 (section 654 of title 10,
9 United States Code).

10 (2) OBJECTIVES AND SCOPE OF REVIEW.—The
11 Terms of Reference accompanying the Secretary’s
12 memorandum established the following objectives
13 and scope of the ordered review:

14 (A) Determine any impacts to military
15 readiness, military effectiveness and unit cohe-
16 sion, recruiting/retention, and family readiness
17 that may result from repeal of the law and rec-
18 ommend any actions that should be taken in
19 light of such impacts.

20 (B) Determine leadership, guidance, and
21 training on standards of conduct and new poli-
22 cies.

23 (C) Determine appropriate changes to ex-
24 isting policies and regulations, including but not
25 limited to issues regarding personnel manage-

1 ment, leadership and training, facilities, inves-
2 tigations, and benefits.

3 (D) Recommend appropriate changes (if
4 any) to the Uniform Code of Military Justice.

5 (E) Monitor and evaluate existing legisla-
6 tive proposals to repeal 10 U.S.C. 654 and pro-
7 posals that may be introduced in the Congress
8 during the period of the review.

9 (F) Assure appropriate ways to monitor
10 the workforce climate and military effectiveness
11 that support successful follow-through on imple-
12 mentation.

13 (G) Evaluate the issues raised in ongoing
14 litigation involving 10 U.S.C. 654.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (f) shall take effect 60 days after the date on
17 which the last of the following occurs:

18 (1) The Secretary of Defense has received the
19 report required by the memorandum of the Sec-
20 retary referred to in subsection (a).

21 (2) The President transmits to the congres-
22 sional defense committees a written certification,
23 signed by the President, the Secretary of Defense,
24 and the Chairman of the Joint Chiefs of Staff, stat-
25 ing each of the following:

1 (A) That the President, the Secretary of
2 Defense, and the Chairman of the Joint Chiefs
3 of Staff have considered the recommendations
4 contained in the report and the report's pro-
5 posed plan of action.

6 (B) That the Department of Defense has
7 prepared the necessary policies and regulations
8 to exercise the discretion provided by the
9 amendments made by subsection (f).

10 (C) That the implementation of necessary
11 policies and regulations pursuant to the discre-
12 tion provided by the amendments made by sub-
13 section (f) is consistent with the standards of
14 military readiness, military effectiveness, unit
15 cohesion, and recruiting and retention of the
16 Armed Forces.

17 (c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—
18 Section 654 of title 10, United States Code, shall remain
19 in effect until such time that all of the requirements and
20 certifications required by subsection (b) are met. If these
21 requirements and certifications are not met, section 654
22 of title 10, United States Code, shall remain in effect.

23 (d) BENEFITS.—Nothing in this section, or the
24 amendments made by this section, shall be construed to
25 require the furnishing of benefits in violation of section

1 7 of title 1, United States Code (relating to the definitions
2 of “marriage” and “spouse” and referred to as the “De-
3 fense of Marriage Act”).

4 (e) NO PRIVATE CAUSE OF ACTION.—Nothing in this
5 section, or the amendments made by this section, shall be
6 construed to create a private cause of action.

7 (f) TREATMENT OF 1993 POLICY.—

8 (1) TITLE 10.—Upon the effective date estab-
9 lished by subsection (b), chapter 37 of title 10,
10 United States Code, is amended—

11 (A) by striking section 654; and

12 (B) in the table of sections at the begin-
13 ning of such chapter, by striking the item relat-
14 ing to section 654.

15 (2) CONFORMING AMENDMENT.—Upon the ef-
16 fective date established by subsection (b), section
17 571 of the National Defense Authorization Act for
18 Fiscal Year 1994 (10 U.S.C. 654 note) is amended
19 by striking subsections (b), (c), and (d).

1 **Subtitle E—Military Justice and**
2 **Legal Matters**

3 **SEC. 541. CONTINUATION OF WARRANT OFFICERS ON AC-**
4 **TIVE DUTY TO COMPLETE DISCIPLINARY AC-**
5 **TION.**

6 Section 580 of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(f) A warrant officer subject to discharge or retire-
10 ment under this section, but against whom any action has
11 been commenced with a view to trying the officer by court-
12 martial, may be continued on active duty, without preju-
13 dice to such action, until the completion of such action.”.

14 **SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN**
15 **MILITARY JUSTICE PROCEEDINGS.**

16 (a) IN GENERAL.—Section 848 of title 10, United
17 States Code (article 48 of the Uniform Code of Military
18 Justice), is amended to read as follows:

19 **“§ 848. Art. 48. Contempts**

20 “(a) AUTHORITY TO PUNISH CONTEMPT.—A mili-
21 tary judge detailed to a court-martial, a court of inquiry,
22 the Court of Appeals for the Armed Forces, a Court of
23 Criminal Appeals, a provost court, or a military commis-
24 sion (other than a military commission established under

1 chapter 47A of this title) may punish for contempt any
2 person who—

3 “(1) uses any menacing word, sign, or gesture
4 in the presence of the military judge during the pro-
5 ceedings of the court-martial, court, or military com-
6 mission;

7 “(2) disturbs the proceedings of the court-mar-
8 tial, court, or military commission by any riot or dis-
9 order; or

10 “(3) willfully disobeys its lawful writ, process,
11 order, rule, decree, or command.

12 “(b) PUNISHMENT.—A person punished for contempt
13 under this section may be confined for not more than 30
14 days, fined in an amount of not more than \$1,000, or
15 both.”.

16 (b) EFFECTIVE DATE.—Section 848 of title 10,
17 United States Code (article 48 of the Uniform Code of
18 Military Justice), as amended by subsection (a), shall
19 apply with respect to acts of contempt committed after
20 the date of the enactment of this Act.

1 **SEC. 543. LIMITATIONS ON USE IN PERSONNEL ACTION OF**
2 **INFORMATION CONTAINED IN CRIMINAL IN-**
3 **VESTIGATIVE REPORT OR IN INDEX MAIN-**
4 **TAINED FOR LAW ENFORCEMENT RETRIEVAL**
5 **AND ANALYSIS.**

6 (a) LIMITATIONS.—Chapter 53 of title 10, United
7 States Code, is amended by inserting after section 1034
8 the following new section:

9 **“§ 1034a. Criminal investigative report or index**
10 **maintained for law enforcement retrieval**
11 **and analysis: limitations on use in per-**
12 **sonnel actions**

13 “(a) PROHIBITION ON USE IN PERSONNEL AC-
14 TIONS.—Except as provided in subsection (b), information
15 relating to the titling or indexing of a member of the
16 armed forces contained in any criminal investigative report
17 prepared by any entity of the Department of Defense or
18 index maintained by any entity of the Department of De-
19 fense for the purpose of potential retrieval and analysis
20 by Department law enforcement organizations may not be
21 used in connection with any personnel action involving the
22 member.

23 “(b) AUTHORIZED EXCEPTIONS.—The prohibition in
24 subsection (a) does not preclude the use of information
25 relating to the titling or indexing of a member—

1 “(1) in connection with law enforcement activi-
2 ties;

3 “(2) in a judicial or administrative action in-
4 volving the member regarding the alleged offense
5 referenced in the criminal investigative report or
6 index; or

7 “(3) in a personnel action if—

8 “(A) the member has been adjudged guilty
9 of the alleged offense referenced in the criminal
10 investigative report or index by military non-ju-
11 dicial or judicial proceedings or by civilian judi-
12 cial proceedings;

13 “(B) a record of the proceedings is pre-
14 sented in connection with the personnel action;
15 and

16 “(C) the member is provided the oppor-
17 tunity to present additional information in re-
18 sponse to the record of the proceedings.

19 “(c) DEFINITIONS.—In this section:

20 “(1) INDEXING.—The term ‘indexing’ refers to
21 the procedure whereby a Department of Defense
22 criminal investigative agency submits identifying in-
23 formation concerning subjects, victims, or incidentals
24 of investigations for addition to the Defense Clear-
25 ance and Investigations Index.

1 “(2) TITLING.—The term ‘titling’ refers to the
2 process by which a Department of Defense criminal
3 investigative agency places the name of a person in
4 the title block of a criminal investigative report at a
5 time when the agency has credible information that
6 the person committed a criminal offense. The titling,
7 however, does not connote any degree of guilt or in-
8 nocence.

9 “(3) PERSONNEL ACTION.—The term ‘per-
10 sonnel action’, with respect to a member, means any
11 recommendation, action, or decision impacting or af-
12 fecting any aspect of the military service of the
13 member.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by inserting
16 after the item relating to section 1034 the following new
17 item:

“1034a. Criminal investigative report or index maintained for law enforcement
retrieval and analysis: limitations on use in personnel actions.”.

18 **SEC. 544. PROTECTION OF CHILD CUSTODY ARRANGE-**
19 **MENTS FOR PARENTS WHO ARE MEMBERS OF**
20 **THE ARMED FORCES DEPLOYED IN SUPPORT**
21 **OF A CONTINGENCY OPERATION.**

22 (a) CHILD CUSTODY PROTECTION.—Title II of the
23 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et

1 seq.) is amended by adding at the end the following new
2 section:

3 **“SEC. 208. CHILD CUSTODY PROTECTION.**

4 “(a) RESTRICTION ON CHANGE OF CUSTODY.—If a
5 motion for change of custody of a child of a servicemember
6 is filed while the servicemember is deployed in support of
7 a contingency operation, no court may enter an order
8 modifying or amending any previous judgment or order,
9 or issue a new order, that changes the custody arrange-
10 ment for that child that existed as of the date of the de-
11 ployment of the servicemember, except that a court may
12 enter a temporary custody order if the court finds that
13 it is in the best interest of the child.

14 “(b) COMPLETION OF DEPLOYMENT.—In any pre-
15 ceding covered under subsection (a), a court shall require
16 that, upon the return of the servicemember from deploy-
17 ment in support of a contingency operation, the custody
18 order that was in effect immediately preceding the date
19 of the deployment of the servicemember is reinstated, un-
20 less the court finds that such a reinstatement is not in
21 the best interest of the child, except that any such finding
22 shall be subject to subsection (c).

23 “(c) EXCLUSION OF MILITARY SERVICE FROM DE-
24 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
25 for the change of custody of the child of a servicemember

1 is filed, no court may consider the absence of the service-
2 member by reason of deployment, or possibility of deploy-
3 ment, in determining the best interest of the child.

4 “(d) NO FEDERAL RIGHT OF ACTION.—Nothing in
5 this section shall create a Federal right of action.

6 “(e) PREEMPTION.—In any case where State or Fed-
7 eral law applicable to a child custody proceeding under
8 State or Federal law provides a higher standard of protec-
9 tion to the rights of the parent who is a servicemember
10 than the rights provided under this section, the State or
11 Federal court shall apply the State or Federal standard.

12 “(f) CONTINGENCY OPERATION DEFINED.—In this
13 section, the term ‘contingency operation’ has the meaning
14 given that term in section 101(a)(13) of title 10, United
15 States Code, except that the term may include such other
16 deployments as the Secretary may prescribe.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of such Act is amended by adding at the
19 end of the items relating to title II the following new item:

“208. Child custody protection.”.

20 **SEC. 545. IMPROVEMENTS TO DEPARTMENT OF DEFENSE**
21 **DOMESTIC VIOLENCE PROGRAMS.**

22 (a) IMMEDIATE ACTIONS REQUIRED.—

23 (1) ENTRY OF DATA INTO LAW ENFORCEMENT
24 SYSTEMS.—The Secretary of Defense shall ensure
25 that all command actions related to domestic vio-

1 lence incidents involving members of the Army,
2 Navy, Air Force, or Marine Corps are entered into
3 all Department of Defense law enforcement systems.

4 (2) ISSUANCE OF FAMILY ADVOCACY PROGRAM
5 GUIDANCE.—The Secretary of Defense shall issue
6 Department of Defense Family Advocacy Program
7 guidance.

8 (b) IMPLEMENTATION OF OUTSTANDING COMP-
9 TROLLER GENERAL RECOMMENDATIONS.—Consistent
10 with the recommendations contained in the report of the
11 Comptroller General of the United States titled “Status
12 of Implementation of GAO’s 2006 Recommendations on
13 the Department of Defense’s Domestic Violence Program”
14 (GAO–10–577R), the Secretary of Defense shall complete,
15 not later than one year after the date of enactment of this
16 Act, implementation of actions to address the following
17 recommendations:

18 (1) DEFENSE INCIDENT-BASED REPORTING
19 SYSTEM.—The Secretary of Defense shall develop a
20 comprehensive management plan to address defi-
21 ciencies in the data captured in the Defense Inci-
22 dent-Based Reporting System to ensure the system
23 can provide an accurate count of the domestic vio-
24 lence incidents that are reported throughout the De-
25 partment of Defense.

1 (2) ADEQUATE PERSONNEL.—The Secretary of
2 Defense shall develop a plan to ensure that adequate
3 personnel are available to implement recommenda-
4 tions made by the Defense Task Force on Domestic
5 Violence.

6 (3) DOMESTIC VIOLENCE TRAINING DATA FOR
7 CHAPLAINS.—The Secretary of Defense shall develop
8 a plan to collect domestic violence training data for
9 chaplains.

10 (4) OVERSIGHT FRAMEWORK.—The Secretary
11 of Defense shall develop an oversight framework for
12 Department of Defense domestic violence programs,
13 to include oversight of implementation of rec-
14 ommendations made by the Defense Task Force on
15 Domestic Violence, budgeting, and policy compli-
16 ance.

17 (c) REPORT.—Not later than 180 days after the date
18 of enactment of this Act, the Secretary of Defense shall
19 submit to the congressional defense committees a report
20 containing the planned actions required under subsections
21 (a) and (b).

1 **SEC. 546. PUBLIC RELEASE OF RESTRICTED ANNEX OF DE-**
2 **PARTMENT OF DEFENSE REPORT OF THE**
3 **INDEPENDENT REVIEW RELATED TO FORT**
4 **HOOD PERTAINING TO OVERSIGHT OF THE**
5 **ALLEGED PERPETRATOR OF THE ATTACK.**

6 (a) **RELEASE REQUIRED.**—Not later than 10 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall release publicly the restricted annex, de-
9 scribed in subsection (b), that was part of the January
10 2010 Department of Defense Report of the Independent
11 Review Related to Fort Hood and the attack there on No-
12 vember 5, 2009.

13 (b) **MATERIAL SUBJECT TO RELEASE; EXCEP-**
14 **TION.**—The restricted annex referred to in subsection (a)
15 is the document described on page 9 of the January 2010
16 Department of Defense Report of the Independent Review
17 Related to Fort Hood, which provided the detailed find-
18 ings, recommendations, and complete supporting discus-
19 sions of the Independent Review pertaining to the over-
20 sight of the alleged perpetrator of the November 2009 at-
21 tack. No part of the restricted annex shall be exempted
22 from public release, except—

23 (1) materials that the Secretary of Defense de-
24 termines may imperil, if disclosed, any criminal in-
25 vestigation or prosecution related to the attack; and

1 (2) in accordance with section 1102 of title 10,
2 United States Code, the memorandum summarizing
3 the results of the medical quality assurance records
4 relating to the care provided patients by the alleged
5 perpetrator of the attack.

6 **Subtitle F—Member Education and**
7 **Training Opportunities and Ad-**
8 **ministration**

9 **SEC. 551. REPAYMENT OF EDUCATION LOAN REPAYMENT**
10 **BENEFITS.**

11 (a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECI-
12 FIED MILITARY SPECIALTIES.—Section 2171 of title 10,
13 United States Code, is amended by adding at the end the
14 following new subsections:

15 “(g) Except a person described in subsection (e) who
16 transfers to service making the person eligible for repay-
17 ment of loans under section 16301 of this title, a member
18 of the armed forces who fails to complete the period of
19 service required to qualify for loan repayment under this
20 section shall be subject to the repayment provisions of sec-
21 tion 303a(e) of title 37.

22 “(h) The Secretary of Defense may prescribe, by reg-
23 ulations, procedures for implementing this section, includ-
24 ing standards for qualified loans and authorized payees
25 and other terms and conditions for making loan repay-

1 ments. Such regulations may include exceptions that
2 would allow for the payment as a lump sum of any loan
3 repayment due to a member under a written agreement
4 that existed at the time of a member's death or dis-
5 ability.”.

6 (b) MEMBERS OF SELECTED RESERVE.—Section
7 16301 of such title is amended by adding at the end the
8 following new subsections:

9 “(h) Except a person described in subsection (e) who
10 transfers to service making the person eligible for repay-
11 ment of loans under section 2171 of this title, a member
12 of the armed forces who fails to complete the period of
13 service required to qualify for loan repayment under this
14 section shall be subject to the repayment provisions of sec-
15 tion 303a(e) of title 37.

16 “(i) The Secretary of Defense may prescribe, by regu-
17 lations, procedures for implementing this section, includ-
18 ing standards for qualified loans and authorized payees
19 and other terms and conditions for making loan repay-
20 ments. Such regulations may include exceptions that
21 would allow for the payment as a lump sum of any loan
22 repayment due to a member under a written agreement
23 that existed at the time of a member's death or dis-
24 ability.”.

1 **SEC. 552. ACTIVE DUTY OBLIGATION FOR GRADUATES OF**
2 **THE MILITARY SERVICE ACADEMIES PAR-**
3 **TICIPATING IN THE ARMED FORCES HEALTH**
4 **PROFESSIONS SCHOLARSHIP AND FINANCIAL**
5 **ASSISTANCE PROGRAM.**

6 (a) UNITED STATES MILITARY ACADEMY GRAD-
7 UATES.—Section 4348(a) of title 10, United States Code,
8 is amended by adding at the end the following new para-
9 graph:

10 “(4) That if an appointment described in para-
11 graph (2) or (3) is tendered and the cadet partici-
12 pates in the Armed Forces Health Professions
13 Scholarship and Financial Assistance program under
14 subchapter I of chapter 105 of this title, the cadet
15 will fulfill any unserved obligation incurred under
16 this section on active duty, regardless of the type of
17 appointment held, upon completion of, and in addi-
18 tion to, any service obligation incurred under section
19 2123 of this title for participation in the program.”.

20 (b) UNITED STATES NAVAL ACADEMY GRAD-
21 UATES.—Section 6959(a) of such title is amended by add-
22 ing at the end the following new paragraph:

23 “(4) That if an appointment described in para-
24 graph (2) or (3) is tendered and the midshipman
25 participates in the Armed Forces Health Professions
26 Scholarship and Financial Assistance program under

1 subchapter I of chapter 105 of this title, the mid-
2 shipman will fulfill any unserved obligation incurred
3 under this section on active duty, regardless of the
4 type of appointment held, upon completion of, and
5 in addition to, any service obligation incurred under
6 section 2123 of this title for participation in the pro-
7 gram.”.

8 (c) UNITED STATES AIR FORCE ACADEMY GRAD-
9 UATES.—Section 9348(a) of such title is amended by add-
10 ing at the end the following new paragraph:

11 “(4) That if an appointment described in para-
12 graph (2) or (3) is tendered and the cadet partici-
13 pates in the Armed Forces Health Professions
14 Scholarship and Financial Assistance program under
15 subchapter I of chapter 105 of this title, the cadet
16 will fulfill any unserved obligation incurred under
17 this section on active duty, regardless of the type of
18 appointment held, upon completion of, and in addi-
19 tion to, any service obligation incurred under section
20 2123 of this title for participation in the program.”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to appointments to
23 the United States Military Academy, the United States
24 Naval Academy, and the United States Air Force Acad-
25 emy beginning with the first class of candidates nominated

1 for appointment to these military service academies after
2 the date of the enactment of this Act.

3 **SEC. 553. WAIVER OF MAXIMUM AGE LIMITATION ON AD-**
4 **MISSION TO SERVICE ACADEMIES FOR CER-**
5 **TAIN ENLISTED MEMBERS WHO SERVED DUR-**
6 **ING OPERATION IRAQI FREEDOM OR OPER-**
7 **ATION ENDURING FREEDOM.**

8 (a) **WAIVER AUTHORITY.**—The Secretary of the mili-
9 tary department concerned may waive the maximum age
10 limitation specified in section 4346(a), 6958(a)(1), or
11 9346(a) of title 10, United States Code, for the admission
12 of a candidate to the United States Military Academy, the
13 United States Naval Academy, or the United States Air
14 Force Academy, if the candidate, otherwise satisfies the
15 eligibility requirements for admission to that academy,
16 and—

17 (1) is an enlisted member of the Armed Forces
18 and, as a result of service on active duty in a theater
19 of operations for Operation Iraqi Freedom or Oper-
20 ation Enduring Freedom, was or is prevented from
21 being admitted to that academy before the member
22 reached the maximum age specified in such sections;
23 or

1 (2) possesses an exceptional overall record that
2 the Secretary concerned determines sets the can-
3 didate apart from all other candidates.

4 (b) LIMITATION OF WAIVER.—

5 (1) MAXIMUM AGE.—A waiver may not be
6 granted under subsection (a) to a member of the
7 Armed Forces described in such subsection if the
8 member would pass the member's twenty-sixth birth-
9 day by July 1 of the year in which the member
10 would enter the military service academy.

11 (2) MAXIMUM NUMBER.—No more than five
12 members of the Armed Forces may attend each of
13 the military service academies at any one time pur-
14 suant to a waiver granted under subsection (a)(2).

15 (c) DURATION OF WAIVER AUTHORITY.—The au-
16 thority to grant a waiver under subsection (a) expires on
17 September 30, 2015.

18 **SEC. 554. REPORT OF FEASIBILITY AND COST OF EXPAND-**
19 **ING ENROLLMENT AUTHORITY OF COMMU-**
20 **NITY COLLEGE OF THE AIR FORCE TO IN-**
21 **CLUDE ADDITIONAL MEMBERS OF THE**
22 **ARMED FORCES.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Secretary of Defense shall submit
25 to Congress a report, prepared in consultation with the

1 Secretary of the Air Force, evaluating the feasibility and
2 cost of authorizing enlisted members of the Army, Navy,
3 Marine Corps and Coast Guard to enroll in Community
4 College of the Air Force programs offered under section
5 9315 of title 10, United States Code.

6 **Subtitle G—Defense Dependents’**
7 **Education**

8 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
9 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
10 **PENDENTS OF MEMBERS OF THE ARMED**
11 **FORCES AND DEPARTMENT OF DEFENSE CI-**
12 **VILIAN EMPLOYEES.**

13 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
14 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
15 amount authorized to be appropriated for fiscal year 2011
16 pursuant to section 301(5) for operation and maintenance
17 for Defense-wide activities, \$50,000,000 shall be available
18 only for the purpose of providing assistance to local edu-
19 cational agencies under subsection (a) of section 572 of
20 the National Defense Authorization Act for Fiscal Year
21 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C.
22 7703b).

23 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
24 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
25 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-

1 thORIZED to be appropriated for fiscal year 2011 pursuant
2 to section 301(5) for operation and maintenance for De-
3 fense-wide activities, \$15,000,000 shall be available only
4 for the purpose of providing assistance to local educational
5 agencies under subsection (b) of such section 572.

6 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
7 this section, the term “local educational agency” has the
8 meaning given that term in section 8013(9) of the Ele-
9 mentary and Secondary Education Act of 1965 (20 U.S.C.
10 7713(9)).

11 **SEC. 562. ENROLLMENT OF DEPENDENTS OF MEMBERS OF**
12 **THE ARMED FORCES WHO RESIDE IN TEM-**
13 **PORARY HOUSING IN DEPARTMENT OF DE-**
14 **FENSE DOMESTIC DEPENDENT ELEMENTARY**
15 **AND SECONDARY SCHOOLS.**

16 Section 2164(a) of title 10, United States Code, is
17 amended by adding at the end the following new para-
18 graph:

19 “(3)(A) The Secretary may, at the discretion of the
20 Secretary, permit dependents of members of the armed
21 forces described in subparagraph (B) to enroll in an edu-
22 cational program provided by the Secretary pursuant to
23 this subsection without regard to the requirement in para-
24 graph (1) with respect to residence on a military installa-
25 tion.

1 “(B) Subparagraph (A) applies only if—

2 “(i) the dependents reside in temporary housing
3 (regardless of whether the temporary housing is on
4 Federal property) in lieu of permanent living quar-
5 ters on a military installation; and

6 “(ii) the Secretary determines that the cir-
7 cumstances of such living arrangements justify ex-
8 tending the enrollment authority to include such de-
9 pendents.

10 “(C) The Secretary shall prescribe regulations to en-
11 sure consistent application of this paragraph.”.

12 **Subtitle H—Decorations, Awards,**
13 **and Commemorations**

14 **SEC. 571. NOTIFICATION REQUIREMENT FOR DETERMINA-**
15 **TION MADE IN RESPONSE TO REVIEW OF**
16 **PROPOSAL FOR AWARD OF A MEDAL OF**
17 **HONOR NOT PREVIOUSLY SUBMITTED IN**
18 **TIMELY FASHION.**

19 Section 1130(b) of title 10, United States Code, is
20 amended—

21 (1) by inserting “(1)” after “(b)”; and

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

24 “(2) If a determination under this section includes
25 a favorable recommendation for the award of the Medal

1 of Honor, submission of the detailed discussion of the ra-
2 tionale supporting the determination shall be made
3 through the Secretary of Defense.”.

4 **SEC. 572. DEPARTMENT OF DEFENSE RECOGNITION OF**
5 **SPOUSES OF MEMBERS OF THE ARMED**
6 **FORCES.**

7 (a) ESTABLISHMENT AND PRESENTATION OF LAPEL
8 BUTTONS.—Chapter 57 of title 10, United States Code,
9 is amended by inserting after section 1126 the following
10 new section:

11 **“§ 1126a. Spouse of combat veteran lapel button: eli-**
12 **gibility and presentation**

13 “(a) DESIGN AND ELIGIBILITY.—A lapel button, to
14 be known as the spouse-of-a-combat-veteran lapel button,
15 shall be designed, as approved by the Secretary of De-
16 fense, to identify and recognize the spouse of a member
17 of the armed forces who is serving or has served in a com-
18 bat zone for a period of more than 30 days.

19 “(b) PRESENTATION.—The Secretary concerned may
20 authorize the use of appropriated funds to procure spouse-
21 of-a-combat-veteran lapel buttons and to provide for their
22 presentation to eligible spouses of members.

23 “(c) EXCEPTION TO TIME PERIOD REQUIREMENT.—
24 The 30-day periods specified in subsections (a) and (b)

1 do not apply if the member is killed or wounded in the
2 combat zone before the expiration the period.

3 “(d) LICENSE TO MANUFACTURE AND SELL LAPEL
4 BUTTONS.—Section 901(c) of title 36 shall apply with re-
5 spect to the spouse-of-a-combat-veteran lapel button au-
6 thorized by this section.

7 “(e) COMBAT ZONE DEFINED.—In this section, the
8 term ‘combat zone’ has the meaning given that term in
9 section 112(c)(2) of the Internal Revenue Code of 1986.

10 “(f) REGULATIONS.—The Secretary of Defense shall
11 issue such regulations as may be necessary to carry out
12 this section. The Secretary shall ensure that the regula-
13 tions are uniform for each armed force to the extent prac-
14 ticable.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 1126 the following new
18 item:

“1126a. Spouse-of-a-combat-veteran lapel button: eligibility and presentation.”.

19 (c) IMPLEMENTATION.—It is the sense of Congress
20 that, as soon as practicable once the spouse-of-a-combat-
21 veteran lapel button become available, the Secretary of
22 Defense—

23 (1) should widely announce the availability of
24 spouse-of-a-combat-veteran lapel buttons through
25 military and public information channels; and

1 (2) should encourage commanders at all levels
2 to conduct ceremonies recognizing the support pro-
3 vided by spouses of members of the Armed Forces
4 and to use the ceremonies as an opportunity for
5 members to present their spouses with a spouse-of-
6 a-combat-veteran lapel button.

7 **SEC. 573. DEPARTMENT OF DEFENSE RECOGNITION OF**
8 **CHILDREN OF MEMBERS OF THE ARMED**
9 **FORCES.**

10 (a) ESTABLISHMENT AND PRESENTATION OF LAPEL
11 BUTTONS.—Chapter 57 of title 10, United States Code,
12 is amended by inserting after section 1126a, as added by
13 section 572, the following new section:

14 **“§ 1126b. Children of members commemorative lapel**
15 **button: eligibility and presentation**

16 “(a) DESIGN AND ELIGIBILITY.—A lapel button, to
17 be known as the children of military service members com-
18 memorative lapel button, shall be designed, as approved
19 by the Secretary of Defense, to identify and recognize an
20 eligible child dependent of a member of the armed forces
21 who serves on active duty for a period of more than 30
22 days.

23 “(b) PRESENTATION.—The Secretary concerned may
24 authorize the use of appropriated funds to procure chil-
25 dren of military service members commemorative lapel

1 buttons and to provide for their presentation to eligible
2 child dependents.

3 “(c) LICENSE TO MANUFACTURE AND SELL LAPEL
4 BUTTONS.—Section 901(c) of title 36 shall apply with re-
5 spect to the children of military service members com-
6 memorative lapel button authorized by this section.

7 “(d) ELIGIBLE CHILD DEPENDENT DEFINED.—In
8 this section, the term ‘eligible child dependent’ means a
9 dependent of a member of the armed forces described in
10 subparagraph (D) or (I) of section 1072(2) of this title.

11 “(e) REGULATIONS.—The Secretary of Defense shall
12 issue such regulations as may be necessary to carry out
13 this section. The Secretary shall ensure that the regula-
14 tions are uniform for each armed force to the extent prac-
15 ticable.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by inserting
18 after the item relating to section 1126a the following new
19 item:

“1126b. Children of members commemorative lapel button: eligibility and pres-
entation.”.

20 (c) IMPLEMENTATION.—It is the sense of Congress
21 that, as soon as practicable once the children of military
22 service members commemorative lapel button become
23 available, the Secretary of Defense—

1 (1) should widely announce the availability of
2 children of military service members commemorative
3 lapel buttons through military and public informa-
4 tion channels; and

5 (2) should encourage commanders at all levels
6 to conduct ceremonies recognizing the support pro-
7 vided by children of members of the Armed Forces
8 and to use the ceremonies as an opportunity for
9 members to present their children with a children of
10 military service members commemorative lapel but-
11 ton.

12 **SEC. 574. CLARIFICATION OF PERSONS ELIGIBLE FOR**
13 **AWARD OF BRONZE STAR MEDAL.**

14 (a) **LIMITATION ON ELIGIBLE PERSONS.**—Section
15 1133 of title 10, United States Code, is amended to read
16 as follows:

17 **“§ 1133. Bronze Star: limitation on persons eligible to**
18 **receive**

19 “The decoration known as the ‘Bronze Star’ may only
20 be awarded to a member of a military force who—

21 “(1) at the time of the events for which the
22 decoration is to be awarded, was serving in a geo-
23 graphic area in which special pay is authorized
24 under section 310 or paragraph (1) or (3) of section
25 351(a) of title 37; or

1 “(2) receives special pay under section 310 or
2 paragraph (1) or (3) of section 351(a) of title 37 as
3 a result of those events.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 57 of such title is amended
6 by striking the item relating to section 1133 and inserting
7 the following new item:

 “1133. Bronze Star: limitation on persons eligible to receive.”.

8 (c) APPLICATION OF AMENDMENT.—The amendment
9 made by subsection (a) applies to the award of the Bronze
10 Star after October 30, 2000.

11 **SEC. 575. AWARD OF VIETNAM SERVICE MEDAL TO VET-**
12 **ERANS WHO PARTICIPATED IN MAYAGUEZ**
13 **RESCUE OPERATION.**

14 (a) IN GENERAL.—The Secretary of the military de-
15 partment concerned shall, upon the application of an indi-
16 vidual who is an eligible veteran, award that individual the
17 Vietnam Service Medal, notwithstanding any otherwise ap-
18 plicable requirements for the award of that medal. Any
19 such award shall be made in lieu of any Armed Forces
20 Expeditionary Medal awarded the individual for the indi-
21 vidual’s participation in the Mayaguez rescue operation.

22 (b) ELIGIBLE VETERAN.—For purposes of this sec-
23 tion, the term “eligible veteran” means a member or
24 former member of the Armed Forces who was awarded
25 the Armed Forces Expeditionary Medal for participation

1 in military operations known as the Mayaguez rescue oper-
2 ation of May 12–15, 1975.

3 **SEC. 576. AUTHORIZATION FOR AWARD OF MEDAL OF**
4 **HONOR TO CERTAIN MEMBERS OF THE ARMY**
5 **FOR ACTS OF VALOR DURING THE CIVIL WAR,**
6 **KOREAN WAR, OR VIETNAM WAR.**

7 (a) AUTHORIZATION.—Notwithstanding the time lim-
8 itations specified in section 3744 of title 10, United States
9 Code, or any other time limitation with respect to the
10 awarding of certain medals to persons who served in the
11 Armed Forces, the President is authorized to award the
12 Medal of Honor under section 3741 of such title to the
13 following former members of the Army for conspicuous
14 acts of gallantry and intrepidity at the risk of their life
15 and beyond the call of duty, as described in subsection
16 (b):

17 (1) First Lieutenant Alonzo H. Cushing, Civil
18 War.

19 (2) Private John A. Sipe, Civil War.

20 (3) Chaplain (Captain) Emil J. Kapaun, Ko-
21 rean War.

22 (4) Specialist Four Robert L. Towles, Vietnam
23 War.

24 (b) ACTS OF VALOR DESCRIBED.—

1 (1) FIRST LIEUTENANT ALONZO H. CUSHING.—
2 In the case of First Lieutenant Alonzo H. Cushing,
3 the acts of valor referred to in subsection (a) are the
4 actions of then First Lieutenant Alonzo H. Cushing
5 while in command of Battery A, 4th United States
6 Artillery, Army of the Potomac, at Gettysburg,
7 Pennsylvania, on July 3, 1863, during the American
8 Civil War.

9 (2) PRIVATE JOHN A. SIPE.—In the case of Pri-
10 vate John A. Sipe, the acts of valor referred to in
11 subsection (a) are the actions of then Private John
12 A. Sipe of Company I of the 205th Regiment Penn-
13 sylvania Volunteers, part of the 2d Brigade, 3d Divi-
14 sion, 9th Corps, Army of the Potomac, on March 25,
15 1865, during the American Civil War.

16 (3) CHAPLAIN EMIL J. KAPAUN.—In the case of
17 Chaplain (Captain) Emil J. Kapaun, the acts of
18 valor referred to in subsection (a) are the actions of
19 Chaplain Emil J. Kapaun of 3d Battalion, 8th Cav-
20 alry Regiment, 1st Cavalry Division during the Bat-
21 tle of Unsan on November 1 and 2, 1950, and while
22 a prisoner of war until his death on May 23, 1952,
23 during the Korean War.

24 (4) SPECIALIST FOUR ROBERT L. TOWLES.—In
25 the case of Specialist Four Robert L. Towles, the

1 acts of valor referred to in subsection (a) are the ac-
2 tions of then Specialist Four Robert L. Towles of
3 Company D, 2d Battalion, 7th Cavalry, 1st Cavalry
4 Division on November 17, 1965, during the Vietnam
5 War for which he was originally awarded the Bronze
6 Star with “V” Device.

7 **SEC. 577. AUTHORIZATION AND REQUEST FOR AWARD OF**
8 **DISTINGUISHED-SERVICE CROSS TO JAY C.**
9 **COPLEY FOR ACTS OF VALOR DURING THE**
10 **VIETNAM WAR.**

11 (a) **AUTHORIZATION.**—Notwithstanding the time lim-
12 itations specified in section 3744 of title 10, United States
13 Code, or any other time limitation with respect to the
14 awarding of certain medals to persons who served in the
15 Armed Forces, the Secretary of the Army is authorized
16 and requested to award the Distinguished-Service Cross
17 under section 3742 of such title to former Captain Jay
18 C. Copley of the United States Army for the acts of valor
19 during the Vietnam War described in subsection (b).

20 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
21 referred to in subsection (a) are the actions of then Cap-
22 tain Jay C. Copley on May 5, 1968, as commander of
23 Company C of the 1st Battalion, 50th Infantry, 173d Air-
24 borne Brigade during an engagement with a regimental-
25 size enemy force in Bin Dinh Province, South Vietnam.

1 **SEC. 578. PROGRAM TO COMMEMORATE 60TH ANNIVER-**
2 **SARY OF THE KOREAN WAR.**

3 (a) **COMMEMORATIVE PROGRAM AUTHORIZED.**—The
4 Secretary of Defense may establish and conduct a pro-
5 gram to commemorate the 60th anniversary of the Korean
6 War (in this section referred to as the “commemorative
7 program”). In conducting the commemorative program,
8 the Secretary shall coordinate and support other programs
9 and activities of the Federal Government, State and local
10 governments, and other persons and organizations in com-
11 memoration of the Korean War.

12 (b) **SCHEDULE.**—If the Secretary of Defense estab-
13 lishes the commemorative program, the Secretary shall de-
14 termine the schedule of major events and priority of ef-
15 forts for the commemorative program to achieve the com-
16 memorative objectives specified in subsection (c). The Sec-
17 retary may establish a committee to assist the Secretary
18 in determining the schedule and conducting the commemo-
19 rative program.

20 (c) **COMMEMORATIVE ACTIVITIES AND OBJEC-**
21 **TIVES.**—The commemorative program may include activi-
22 ties and ceremonies to achieve the following objectives:

23 (1) To thank and honor veterans of the Korean
24 War, including members of the Armed Forces who
25 were held as prisoners of war or listed as missing in

1 action, for their service and sacrifice on behalf of the
2 United States.

3 (2) To thank and honor the families of veterans
4 of the Korean War for their sacrifices and contribu-
5 tions, especially families who lost a loved one in the
6 Korean War.

7 (3) To highlight the service of the Armed
8 Forces during the Korean War and the contributions
9 of Federal agencies and governmental and non-gov-
10 ernmental organizations that served with, or in sup-
11 port of, the Armed Forces.

12 (4) To pay tribute to the sacrifices and con-
13 tributions made on the home front by the people of
14 the United States during the Korean War.

15 (5) To provide the people of the United States
16 with a clear understanding and appreciation of the
17 lessons and history of the Korean War.

18 (6) To highlight the advances in technology,
19 science, and medicine related to military research
20 conducted during the Korean War.

21 (7) To recognize the contributions and sac-
22 rifices made by the allies of the United States dur-
23 ing the Korean War.

24 (d) USE OF THE UNITED STATES OF AMERICA KO-
25 REAN WAR COMMEMORATION AND SYMBOLS.—Subsection

1 (c) of section 1083 of the National Defense Authorization
2 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
3 1918), as amended by section 1067 of the Strom Thur-
4 mond National Defense Authorization Act for Fiscal Year
5 1999 (Public Law 105–261; 112 Stat. 2134) and section
6 1052 of the National Defense Authorization Act for Fiscal
7 Year 2000 (Public Law 106–65; 113 Stat. 764), shall
8 apply to the commemorative program.

9 (e) COMMEMORATIVE FUND.—

10 (1) ESTABLISHMENT OF NEW ACCOUNT.—If the
11 Secretary of Defense establishes the commemorative
12 program, the Secretary the Treasury shall establish
13 in the Treasury of the United States an account to
14 be known as the “Department of Defense Korean
15 War Commemoration Fund” (in this section referred
16 to as the “Fund”).

17 (2) ADMINISTRATION AND USE OF FUND.—The
18 Fund shall be available to, and administered by, the
19 Secretary of Defense. The Secretary shall use the
20 assets of the Fund only for the purpose of con-
21 ducting the commemorative program and shall pre-
22 scribe such regulations regarding the use of the
23 Fund as the Secretary considers to be necessary.

24 (3) DEPOSITS.—There shall be deposited into
25 the Fund the following:

1 (A) Amounts appropriated to the Fund.

2 (B) Proceeds derived from the use by the
3 Secretary of Defense of the exclusive rights de-
4 scribed in subsection (c) of section 1083 of the
5 National Defense Authorization Act for Fiscal
6 Year 1998 (Public Law 105–85; 111 Stat.
7 1918).

8 (C) Donations made in support of the com-
9 memorative program by private and corporate
10 donors.

11 (4) AVAILABILITY.—Subject to paragraph (5),
12 amounts in the Fund shall remain available until ex-
13 pended.

14 (5) TREATMENT OF UNOBLIGATED FUNDS;
15 TRANSFER.—If unobligated amounts remain in the
16 Fund as of September 30, 2013, the Secretary of
17 the Treasury shall transfer the amounts to the De-
18 partment of Defense Vietnam War Commemorative
19 Fund established pursuant to section 598(e) of the
20 National Defense Authorization Act for Fiscal Year
21 2008 (Public Law 110–181; 10 U.S.C. 113 note).
22 The transferred amounts shall be merged with, and
23 available for the same purposes as, other amounts in
24 the Department of Defense Vietnam War Com-
25 memorative Fund.

1 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—

2 (1) AUTHORITY TO ACCEPT SERVICES.—Not-
3 withstanding section 1342 of title 31, United States
4 Code, the Secretary of Defense may accept from any
5 person voluntary services to be provided in further-
6 ance of the commemorative program. The Secretary
7 shall prohibit the solicitation of any voluntary serv-
8 ices if the nature or circumstances of such sollicita-
9 tion would compromise the integrity or the appear-
10 ance of integrity of any program of the Department
11 of Defense or of any individual involved in the pro-
12 gram.

13 (2) COMPENSATION FOR WORK-RELATED IN-
14 JURY.—A person providing voluntary services under
15 this subsection shall be considered to be a Federal
16 employee for purposes of chapter 81 of title 5,
17 United States Code, relating to compensation for
18 work-related injuries. The person shall also be con-
19 sidered a special governmental employee for pur-
20 poses of standards of conduct and sections 202, 203,
21 205, 207, 208, and 209 of title 18, United States
22 Code. A person who is not otherwise employed by
23 the Federal Government shall not be considered to
24 be a Federal employee for any other purpose by rea-

1 son of the provision of voluntary services under this
2 subsection.

3 (3) REIMBURSEMENT OF INCIDENTAL EX-
4 PENSES.—The Secretary may provide for reimburse-
5 ment of incidental expenses incurred by a person
6 providing voluntary services under this subsection.
7 The Secretary shall determine which expenses are el-
8 igible for reimbursement under this paragraph.

9 (g) REPORT REQUIRED.—If the Secretary of Defense
10 conducts the commemorative program, the Inspector Gen-
11 eral of the Department of Defense shall submit to Con-
12 gress, not later than 60 days after the end of the com-
13 memorative program, a report containing an accounting
14 of—

15 (1) all of the funds deposited into and expended
16 from the Fund;

17 (2) any other funds expended under this sec-
18 tion; and

19 (3) any unobligated funds remaining in the
20 Fund as of September 30, 2013, that are trans-
21 ferred to the Department of Defense Vietnam War
22 Commemorative Fund pursuant to subsection (e)(5).

23 (h) LIMITATION ON EXPENDITURES.—Using
24 amounts appropriated to the Department of Defense, the

1 Secretary of Defense may not expend more than
2 \$5,000,000 to carry out the commemorative program.

3 **SEC. 579. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.**

4 (a) ARMY.—

5 (1) IN GENERAL.—Chapter 357 of title 10,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 3757. Combat Medevac Badge**

9 “(a) ISSUANCE.—The Secretary of the Army shall
10 issue a badge of appropriate design, to be known as the
11 Combat Medevac Badge, to each person who while a mem-
12 ber of the Army served in combat on or after June 25,
13 1950, as a pilot or crew member of a helicopter medical
14 evacuation ambulance and who meets the requirements for
15 the award of that badge.

16 “(b) ELIGIBILITY REQUIREMENTS.—The Secretary
17 of the Army shall prescribe requirements for eligibility for
18 the Combat Medevac Badge.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of such chapter is amended
21 by adding at the end the following new item:

“3757. Combat Medevac Badge.”.

22 (b) NAVY AND MARINE CORPS.—

23 (1) IN GENERAL.—Chapter 567 of title 10,
24 United States Code, is amended by adding at the
25 end the following new section:

1 **“§ 6259. Combat Medevac Badge**

2 “(a) ISSUANCE.—The Secretary of the Navy shall
3 issue a badge of appropriate design, to be known as the
4 Combat Medevac Badge, to each person who while a mem-
5 ber of the Navy or Marine Corps served in combat on or
6 after June 25, 1950, as a pilot or crew member of a heli-
7 copter medical evacuation ambulance and who meets the
8 requirements for the award of that badge.

9 “(b) ELIGIBILITY REQUIREMENTS.—The Secretary
10 of the Navy shall prescribe requirements for eligibility for
11 the Combat Medevac Badge.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by adding at the end the following new item:

“6259. Combat Medevac Badge.”.

15 (c) AIR FORCE.—

16 (1) IN GENERAL.—Chapter 857 of title 10,
17 United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 8757. Combat Medevac Badge**

20 “(a) ISSUANCE.—The Secretary of the Air Force
21 shall issue a badge of appropriate design, to be known as
22 the Combat Medevac Badge, to each person who while a
23 member of the Air Force served in combat on or after
24 June 25, 1950, as a pilot or crew member of a helicopter

1 medical evacuation ambulance and who meets the require-
2 ments for the award of that badge.

3 “(b) ELIGIBILITY REQUIREMENTS.—The Secretary
4 of the Air Force shall prescribe requirements for eligibility
5 for the Combat Medevac Badge.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by adding at the end the following new item:

“8757. Combat Medevac Badge.”.

9 (d) AWARD FOR SERVICE BEFORE DATE OF ENACT-
10 MENT.—In the case of persons who, while a member of
11 the Armed Forces, served in combat as a pilot or crew
12 member of a helicopter medical evacuation ambulance dur-
13 ing the period beginning on June 25, 1950, and ending
14 on the date of enactment of this Act, the Secretary of the
15 military department concerned shall issue the Combat
16 Medevac Badge—

17 (1) to each such person who is known to the
18 Secretary before the date of enactment of this Act;
19 and

20 (2) to each such person with respect to whom
21 an application for the issuance of the badge is made
22 to the Secretary after such date in such manner,
23 and within such time period, as the Secretary may
24 require.

1 **SEC. 580. RETROACTIVE AWARD OF ARMY COMBAT ACTION**
2 **BADGE.**

3 (a) **AUTHORITY TO AWARD.**—The Secretary of the
4 Army may award the Army Combat Action Badge (estab-
5 lished by order of the Secretary of the Army through
6 Headquarters, Department of the Army Letter 600–05–
7 1, dated June 3, 2005) to a person who, while a member
8 of the Army, participated in combat during which the per-
9 son personally engaged, or was personally engaged by, the
10 enemy at any time during the period beginning on Decem-
11 ber 7, 1941, and ending on September 18, 2001 (the date
12 of the otherwise applicable limitation on retroactivity for
13 the award of such decoration), if the Secretary determines
14 that the person has not been previously recognized in an
15 appropriate manner for such participation.

16 (b) **PROCUREMENT OF BADGE.**—The Secretary of
17 the Army may make arrangements with suppliers of the
18 Army Combat Action Badge so that eligible recipients of
19 the Army Combat Action Badge pursuant to subsection
20 (a) may procure the badge directly from suppliers, thereby
21 eliminating or at least substantially reducing administra-
22 tive costs for the Army to carry out this section.

1 **SEC. 580A. REVIEW REGARDING AWARD OF MEDAL OF**
2 **HONOR TO JEWISH AMERICAN WORLD WAR I**
3 **VETERANS.**

4 (a) REVIEW REQUIRED.—The Secretary of the Army
5 and the Secretary of the Navy shall review the service
6 records of each Jewish American World War I veteran de-
7 scribed in subsection (b) to determine whether that vet-
8 eran should be posthumously awarded the Medal of
9 Honor.

10 (b) COVERED JEWISH AMERICAN WAR VETERANS.—
11 The Jewish American World War I veterans whose service
12 records are to be reviewed under subsection (a) are the
13 following:

14 (1) Any Jewish American World War I veteran
15 who was previously awarded the Distinguished Serv-
16 ice Cross, the Navy Cross, or other military decora-
17 tion for service during World War I.

18 (2) Any other Jewish American World War I
19 veteran whose name is submitted to the Secretary
20 concerned for such purpose by the Jewish War Vet-
21 erans of the United States of America before the
22 end of the 1-year period beginning on the date of the
23 enactment of this Act.

24 (c) CONSULTATIONS.—In carrying out the review
25 under subsection (a), the Secretary concerned shall con-
26 sult with the Jewish War Veterans of the United States

1 of America and with such other veterans service organiza-
2 tions as the Secretary considers appropriate.

3 (d) RECOMMENDATION BASED ON REVIEW.—If the
4 Secretary concerned determines, based upon the review
5 under subsection (a) of the service records of any Jewish
6 American World War I veteran, that the award of the
7 Medal of Honor to that veteran is warranted, the Sec-
8 retary shall submit to the President a recommendation
9 that the President award the Medal of Honor post-
10 humously to that veteran.

11 (e) AUTHORITY TO AWARD MEDAL OF HONOR.—A
12 Medal of Honor may be awarded posthumously to a Jew-
13 ish American World War I veteran in accordance with a
14 recommendation of the Secretary concerned under sub-
15 section (a).

16 (f) WAIVER OF TIME LIMITATIONS.—An award of
17 the Medal of Honor may be made under subsection (e)
18 without regard to—

19 (1) section 3744, 6248, or 8744 of title 10,
20 United States Code; and

21 (2) any regulation or other administrative re-
22 striction on—

23 (A) the time for awarding the Medal of
24 Honor; or

1 (B) the awarding of the Medal of Honor
2 for service for which a Distinguished Service
3 Cross, Navy Cross, or other military decoration
4 has been awarded.

5 (g) DEFINITIONS.—In this section:

6 (1) The term “Jewish American World War I
7 veteran” means any person who served in the Armed
8 Forces during World War I and identified himself or
9 herself as Jewish on his or her military personnel
10 records.

11 (2) The term “Secretary concerned” means—

12 (A) the Secretary of the Army, in the case
13 of the Army; and

14 (B) the Secretary of the Navy, in the case
15 of the Navy and the Marine Corps.

16 (3) The term “World War I” means the period
17 beginning on April 6, 1917, and ending on Novem-
18 ber 11, 1918.

1 **Subtitle I—Military Family**
2 **Readiness Matters**

3 **SEC. 581. APPOINTMENT OF ADDITIONAL MEMBER OF DE-**
4 **PARTMENT OF DEFENSE MILITARY FAMILY**
5 **READINESS COUNCIL.**

6 (a) INCLUSION OF SPOUSE OF GENERAL OR FLAG
7 OFFICER.—Subsection (b) of section 1781a of title 10,
8 United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) by redesignating subparagraph (E) as
11 subparagraph (F); and

12 (B) by inserting after subparagraph (D)
13 the following new subparagraph:

14 “(E) The spouse of a general or flag officer.”;

15 and

16 (2) in paragraph (2), by striking “subpara-
17 graphs (C) and (D)” and inserting “subparagraphs
18 (C), (D), and (E)”.

19 (b) CLARIFICATION OF APPOINTMENT OPTIONS FOR
20 EXISTING MEMBER.—Subparagraph (F) of subsection
21 (b)(1) of such section, as redesignated by subsection
22 (a)(1)(A), is amended to read as follows:

23 “(F) In addition to the representatives ap-
24 pointed under subparagraphs (B) and (C), the sen-
25 ior enlisted advisor, or the spouse of a senior en-

1 listed member, from each of the Army, Navy, Marine
2 Corps, and Air Force.”.

3 (c) APPOINTMENT BY SECRETARY OF DEFENSE.—

4 Subsection (b) of such section is further amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (B), by striking “,
7 who shall be appointed by the Secretary of De-
8 fense”;

9 (B) in subparagraph (C), by striking “,
10 who shall be appointed by the Secretary of De-
11 fense” both places it appears; and

12 (C) in subparagraph (D), by striking “by
13 the Secretary of Defense”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(3) The Secretary of Defense shall appoint the
17 members of the Council required by subparagraphs (B)
18 through (F) of paragraph (1).”.

19 **SEC. 582. DIRECTOR OF THE OFFICE OF COMMUNITY SUP-**
20 **PORT FOR MILITARY FAMILIES WITH SPE-**
21 **CIAL NEEDS.**

22 Subsection (c) of section 1781e of title 10, United
23 States Code, is amended to read as follows:

24 “(c) DIRECTOR.—(1) The head of the Office shall be
25 the Director of the Office of Community Support for Mili-

1 tary Families With Special Needs, who shall be a member
2 of the Senior Executive Service or a general officer or flag
3 officer.

4 “(2) In the discharge of the responsibilities of the Of-
5 fice, the Director shall be subject to the supervision, direc-
6 tion, and control of the Under Secretary of Defense for
7 Personnel and Readiness.”.

8 **SEC. 583. PILOT PROGRAM OF PERSONALIZED CAREER DE-**
9 **VELOPMENT COUNSELING FOR MILITARY**
10 **SPOUSES.**

11 (a) PILOT PROGRAM REQUIRED.—Section 1784a of
12 title 10, United States Code, is amended—

13 (1) by redesignating subsections (d) and (e) as
14 subsections (e) and (f), respectively; and

15 (2) by inserting after subsection (c) the fol-
16 lowing new subsection (d):

17 “(d) PERSONALIZED CAREER DEVELOPMENT COUN-
18 SELING.—

19 “(1) PILOT PROGRAM REQUIRED.—The Sec-
20 retary of Defense shall conduct a pilot program de-
21 signed to provide personalized career development
22 counseling to the spouses of members of the armed
23 forces eligible for assistance under this section, in-
24 cluding the development of strategies, step-by-step
25 guidelines, and customizable milestones—

1 “(A) to promote a comprehensive, intro-
2 spective review of personal skills, experience,
3 goals, and requirements with a view to devel-
4 oping a personalized plan for career develop-
5 ment;

6 “(B) to identify career options that are
7 portable, personally rewarding, and compatible
8 with personal strengths, skills, and experience;

9 “(C) to instruct and encourage the use of
10 sound personal and professional management
11 practices; and

12 “(D) to plan career attainment progression
13 objectives and measure progress.

14 “(2) INCENTIVES TO FILL CRITICAL CIVILIAN
15 SPECIALTIES.—In conducting the pilot program, the
16 Secretary shall consider methods to provide incen-
17 tives for program participants to fill critical civilian
18 specialties needed in the Department of Defense, in-
19 cluding the following:

20 “(A) Mental health and other health care.

21 “(B) Social work.

22 “(C) Family welfare.

23 “(D) Contract and acquisition manage-
24 ment.

25 “(E) Personal financial management.

1 “(F) Day care services.

2 “(G) Education.

3 “(H) Military resale system.

4 “(I) Morale, welfare and recreation activi-
5 ties.

6 “(J) Law enforcement.

7 “(3) PROCESS REVIEWS.—The Secretary shall
8 include in the pilot program a periodic review, to be
9 conducted by counselors, of progress made by par-
10 ticipants to determine if changes to personal career
11 strategies may be necessary.

12 “(4) NUMBER OF PARTICIPANTS.—The Sec-
13 retary of Defense shall enroll at least 75 military
14 spouses in the pilot program, but not more than 150
15 military spouses.

16 “(5) GEOGRAPHIC COVERAGE OF PILOT PRO-
17 GRAM.—The pilot program shall be conducted in at
18 least three separate geographic areas, as determined
19 by the Secretary of Defense.

20 “(6) COUNSELORS.—The Secretary of Defense
21 may enter into contracts with career counselors to
22 provide counseling services under the pilot program.
23 There shall be at least one counselor in each of the
24 geographic areas of the pilot program.

1 “(7) ANNUAL EVALUATION.—The Secretary of
2 Defense shall conduct an annual evaluation of the
3 pilot program to determine the following:

4 “(A) The effectiveness of the pilot program
5 in improving the ability of participants to iden-
6 tify, develop, and obtain employment in portable
7 career fields.

8 “(B) The self-reported levels of profes-
9 sional satisfaction of participants.

10 “(C) The quality of careers selected and
11 pursued.

12 “(D) The rates of success—

13 “(i) as determined and evaluated by
14 participants; and

15 “(ii) as determined by the Secretary.

16 “(8) ANNUAL REPORT.—

17 “(A) REPORT REQUIRED.—The Secretary
18 of Defense shall submit to the Committees on
19 Armed Services of the Senate and the House of
20 Representatives an annual report containing—

21 “(i) the results of the most-recent an-
22 nual evaluation conducted under paragraph
23 (7); and

24 “(ii) the matters required by subpara-
25 graph (B).

1 “(B) CONTENTS.—Each report under this
2 paragraph shall contain, at a minimum, the fol-
3 lowing:

4 “(i) The number of participants in the
5 pilot program.

6 “(ii) Recommendations for adjust-
7 ments to the pilot program.

8 “(iii) Recommendations for extending
9 the pilot program or implementing a per-
10 manent comprehensive career development
11 for military spouses.

12 “(C) TIME FOR SUBMISSION.—The first
13 report under this subsection shall be submitted
14 not later than one year after the date of the
15 commencement of counseling services under the
16 pilot program. Subsequent reports shall be sub-
17 mitted for each year of the pilot program, with
18 the final report being submitted not later than
19 90 days after the termination of the pilot pro-
20 gram.

21 “(9) TERMINATION.—The pilot program shall
22 terminate at the end of the three-year period begin-
23 ning on the date on which the Secretary of Defense
24 notifies the Committees on Armed Services of the
25 Senate and the House of Representatives of the

1 commencement of counseling services under the pilot
2 program.”.

3 (b) IMPLEMENTATION PLAN.—Not later than 180
4 days after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit to Committees on Armed
6 Services of the Senate and the House of Representatives
7 a plan to implement the pilot program under subsection
8 (d) of section 1784a of title 10, United States Code, as
9 added by subsection (a).

10 **SEC. 584. MODIFICATION OF YELLOW RIBBON REINTEGRA-**
11 **TION PROGRAM.**

12 (a) OFFICE FOR REINTEGRATION PROGRAMS.—Sub-
13 section (d)(1) of section 582 of the National Defense Au-
14 thorization Act for Fiscal Year 2008 (Public Law 110-
15 181; 10 U.S.C. 10101 note) is amended—

16 (1) by striking “The Under” and inserting the
17 following:

18 “(A) IN GENERAL.—The Under”; and

19 (2) in the last sentence—

20 (A) by striking “The office may also” and
21 inserting the following:

22 “(B) PARTNERSHIPS AND ACCESS.—The
23 office may”;

24 (B) by inserting “and the Department of
25 Veterans Affairs” after “Administration”; and

1 (C) by adding at the end the following new
2 sentence: “Service and State-based programs
3 may provide access to curriculum, training, and
4 support for services to members and families
5 from all components.”.

6 (b) CENTER FOR EXCELLENCE IN REINTEGRA-
7 TION.—Subsection (d)(2) of such section is amended by
8 adding at the end the following new sentence: “The Center
9 shall develop and implement a process for evaluating the
10 effectiveness of the Yellow Ribbon Reintegration Program
11 in supporting the health and well-being of members of the
12 Armed Forces and their families throughout the deploy-
13 ment cycle described in subsection (g)”.

14 (c) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—
15 Subsection (f)(3) of such section is amended by inserting
16 “and community-based organizations” after “service pro-
17 viders”.

18 (d) OPERATION OF PROGRAM DURING DEPLOYMENT
19 AND POST-DEPLOYMENT-RECONSTITUTION PHASES.—
20 Subsection (g) of such section is amended—

21 (1) in paragraph (3), by inserting “and to de-
22 crease the isolation of families during deployment”
23 after “combat zone”; and

1 (2) in paragraph (5)(A), by inserting “, pro-
2 viding information on employment opportunities,”
3 after “communities”.

4 (e) **ADDITIONAL OUTREACH SERVICE.**—Subsection
5 (h) of such section, as amended by section 595(1) of the
6 National Defense Authorization Act for Fiscal Year 2010
7 (Public Law 110–84; 123 Stat. 2338), is amended by add-
8 ing at the end the following new paragraph:

9 “(15) Resiliency training to promote com-
10 prehensive programs for members of the Armed
11 Forces to build mental and emotional resiliency for
12 successfully meeting the demands of the deployment
13 cycle.”.

14 **SEC. 585. IMPORTANCE OF OFFICE OF COMMUNITY SUP-**
15 **PORT FOR MILITARY FAMILIES WITH SPE-**
16 **CIAL NEEDS.**

17 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
18 gress that the Office of Community Support for Military
19 Families with Special Needs, as established pursuant to
20 section 1781c of title 10, United States Code, as added
21 by section 563 of the National Defense Authorization Act
22 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
23 2304), is the best structure—

24 (1) to determine what medical, educational, and
25 other support services are required by military fami-

1 lies with children who have a medical or educational
2 special need; and

3 (2) to ensure that those services are made avail-
4 able to military families with special needs.

5 (b) SPECIFIC BUDGETING FOR OFFICE.—Effective
6 with the Program Objective Memorandum to be issued for
7 fiscal year 2012 and thereafter and containing rec-
8 ommended programming and resource allocations for the
9 Department of Defense, the Secretary of Defense shall
10 specifically address the Office of Community Support for
11 Military Families with Special Needs to ensure that a sep-
12 arate line of funding is allocated to the Office.

13 **SEC. 586. COMPTROLLER GENERAL REPORT ON DEPART-**
14 **MENT OF DEFENSE OFFICE OF COMMUNITY**
15 **SUPPORT FOR MILITARY FAMILIES WITH**
16 **SPECIAL NEEDS.**

17 (a) REPORT REQUIRED.—The Comptroller General
18 of the United States shall prepare a report identifying—

19 (1) the progress made in implementing the Of-
20 fice of Community Support for Military Families
21 with Special Needs, as established pursuant to sec-
22 tion 1781c of title 10, United States Code, as added
23 by section 563 of the National Defense Authoriza-
24 tion Act for Fiscal Year 2010 (Public Law 111–84;
25 123 Stat. 2304);

1 (2) the policies governing the operation of the
2 Office; and

3 (3) any gaps that still exist in ensuring that
4 members of the Armed Forces who have dependents
5 with special needs receive the support and services
6 they deserve.

7 (b) ELEMENTS OF REPORT.—In the report required
8 by subsection (a), the Comptroller General shall specifi-
9 cally address the following:

10 (1) The implementation of the responsibilities
11 and duties assigned to the Office of Community
12 Support for Military Families With Special Needs
13 pursuant to subsections (d), (e), and (f) of section
14 1781c of title 10, United States Code.

15 (2) The manner in which the Department of
16 Defense and the military departments intend to en-
17 sure that feedback is provided to the Office of Com-
18 munity Support for Military Families With Special
19 Needs to ensure that the services and policy put in
20 place are appropriate.

21 (c) RECOMMENDATIONS.—The Comptroller General
22 shall include in the report required by subsection (a) spe-
23 cific recommendations on the establishment, reporting re-
24 quirements, internal monitoring, and oversight of the Of-
25 fice of Community Support for Military Families With

1 Special Needs by the Under Secretary of Defense for Per-
2 sonnel and Readiness to ensure that the mission of the
3 Office is being accomplished.

4 (d) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Comptroller General shall
6 submit the report required by subsection (a) to the con-
7 gressional defense committees.

8 **SEC. 587. COMPTROLLER GENERAL REPORT ON EXCEP-**
9 **TIONAL FAMILY MEMBER PROGRAM.**

10 (a) ASSESSMENT REQUIRED.—The Comptroller Gen-
11 eral of the United States shall conduct an assessment of
12 the Exceptional Family Member Program of the Depart-
13 ment of Defense to review the operation of the program
14 in each of the Armed Forces, including program policies,
15 best practices, execution, implementation and strategic
16 planning, to determine program variances and to make
17 recommendations to improve and standardize program ef-
18 fectiveness and support for members of the Armed Forces
19 who have dependents with special needs.

20 (b) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Comptroller General shall
22 submit to the congressional defense committees a report
23 containing the results of the assessment and review under
24 subsection (a).

1 **SEC. 588. COMPTROLLER GENERAL REVIEW OF DEPART-**
2 **MENT OF DEFENSE MILITARY SPOUSE EM-**
3 **PLOYMENT PROGRAMS.**

4 (a) COMPTROLLER GENERAL REVIEW.—The Comp-
5 troller General of the United States shall carry out a re-
6 view of all Department of Defense spouse employment pro-
7 grams.

8 (b) ELEMENTS OF REVIEW.—At a minimum, the re-
9 view shall address the following:

10 (1) The efficacy and effectiveness of Depart-
11 ment of Defense spouse employment programs.

12 (2) All current Department of Defense pro-
13 grams that are in place to support military spouses
14 or dependents for the purposes of employment as-
15 sistance.

16 (3) The types of military spouse employment
17 programs that have been considered or used in the
18 past by the Department of Defense.

19 (4) The ways in which military spouse employ-
20 ment programs have changed in recent years.

21 (5) The benefits or programs that are specifi-
22 cally available to support military spouses of mem-
23 bers of the Armed Forces serving in Operation Iraqi
24 Freedom or Operation Enduring Freedom.

25 (6) The existing feedback mechanisms available
26 for military spouses to express their views on the ef-

1 fectiveness and future direction of relevant Depart-
2 ment of Defense programs and policies.

3 (7) The degree of oversight provided by the Of-
4 fice of Personnel and Management regarding mili-
5 tary spouse preferences.

6 (c) SUBMISSION OF RESULTS.—Not later than March
7 1, 2011, the Comptroller General shall submit to the con-
8 gressional defense committees a report containing—

9 (1) the results of the review;

10 (2) the assumptions upon which the review was
11 based and the validity and completeness of such as-
12 sumptions; and

13 (3) such recommendations as the Comptroller
14 General considers necessary for improving Depart-
15 ment of Defense spouse employment programs.

16 **SEC. 589. REPORT ON DEPARTMENT OF DEFENSE MILITARY**
17 **SPOUSE EDUCATION PROGRAMS.**

18 (a) REVIEW REQUIRED.—The Secretary of Defense
19 shall carry out a review of all Department of Defense edu-
20 cation programs designed to support spouses of members
21 of the Armed Forces.

22 (b) ELEMENTS OF REVIEW.—At a minimum, the re-
23 view shall evaluate the following:

1 (1) All current Department of Defense pro-
2 grams that are in place to advance military spouse
3 education opportunities.

4 (2) The efficacy and effectiveness of Depart-
5 ment of Defense spouse education programs.

6 (3) The effect that a lack military spouse edu-
7 cation opportunities has on the ability to retain
8 members of the Armed Forces.

9 (4) A comparison of the costs associated with
10 providing military spouse education opportunities to
11 retain members rather than recruiting or training
12 new members.

13 (c) SUBMISSION OF RESULTS.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to the congressional defense
16 committees a report containing—

17 (1) the results of the review; and

18 (2) such recommendations as the Secretary con-
19 siders necessary for improving Department of De-
20 fense spouse education programs.

21 **SEC. 590. ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEM-**
22 **BERS OF THE UNIFORMED SERVICES.**

23 (a) IN GENERAL.—Part III of title 38, United States
24 Code, is amended by adding at the end the following new
25 chapter:

1 **“CHAPTER 44—ANNUAL LEAVE FOR FAM-**
2 **ILY OF DEPLOYED MEMBERS OF THE**
3 **UNIFORMED SERVICES**

“Sec.

“4401. Definitions.

“4402. Leave requirement.

“4403. Certification.

“4404. Employment and benefits protection.

“4405. Prohibited acts.

“4406. Enforcement.

“4407. Miscellaneous provisions.

4 **“§ 4401. Definitions**

5 “In this chapter:

6 “(1) The terms ‘benefit’, ‘rights and benefits’,
7 ‘employee’, ‘employer’, and ‘uniformed services’ have
8 the meaning given such terms in section 4303 of
9 this title.

10 “(2) The term ‘contingency operation’ has the
11 same meaning given such term in section 101(a)(13)
12 of title 10.

13 “(3) The term ‘eligible employee’ means an in-
14 dividual who is—

15 “(A) a family member of a member of a
16 uniformed service;

17 “(B) an employee of the employer with re-
18 spect to whom leave is requested under section
19 4402 of this title; and

1 “(C) not entitled to leave under section
2 102(a)(1)(E) of the Family Medical Leave Act
3 of 1993 (29 U.S.C. 2612(a)(1)(E)).

4 “(4) The term ‘family member’ means an indi-
5 vidual who is, with respect to another individual, one
6 of the following:

7 “(A) The spouse of the other individual.

8 “(B) A son or daughter of the other indi-
9 vidual.

10 “(C) A parent of the other individual.

11 “(5) The term ‘reduced leave schedule’ means a
12 leave schedule that reduces the usual number of
13 hours per workweek, or hours per workday, of an
14 employee.

15 “(6) The terms ‘spouse’, ‘son or daughter’, and
16 ‘parent’ have the meaning given such terms in sec-
17 tion 101 of the Family and Medical Leave Act of
18 1993 (29 U.S.C. 2611).

19 **“§ 4402. Leave requirement**

20 “(a) ENTITLEMENT TO LEAVE.—In any 12-month
21 period, an eligible employee shall be entitled to two work-
22 weeks of leave for each family member of the eligible em-
23 ployee who, during such 12-month period—

24 “(1) is in the uniformed services; and

1 “(2)(A) receives notification of an impending
2 call or order to active duty in support of a contin-
3 gency operation; or

4 “(B) is deployed in connection with a contin-
5 gency operation.

6 “(b) LEAVE TAKEN INTERMITTENTLY OR ON RE-
7 DUCED LEAVE SCHEDULE.—(1) Leave under subsection
8 (a) may be taken by an eligible employee intermittently
9 or on a reduced leave schedule as the eligible employee
10 considers appropriate.

11 “(2) The taking of leave intermittently or on a re-
12 duced leave schedule pursuant to this subsection shall not
13 result in a reduction in the total amount of leave to which
14 the eligible employee is entitled under subsection (a) be-
15 yond the amount of leave actually taken.

16 “(c) PAID LEAVE PERMITTED.—Leave granted
17 under subsection (a) may consist of paid leave or unpaid
18 leave as the employer of the eligible employee considers
19 appropriate.

20 “(d) RELATIONSHIP TO PAID LEAVE.—(1) If an em-
21 ployer provides paid leave to an eligible employee for fewer
22 than the total number of workweeks of leave that the eligi-
23 ble employee is entitled to under subsection (a), the addi-
24 tional amount of leave necessary to attain the total num-

1 ber of workweeks of leave required under subsection (a)
2 may be provided without compensation.

3 “(2) An eligible employee may elect, and an employer
4 may not require the eligible employee, to substitute any
5 of the accrued paid vacation leave, personal leave, or fam-
6 ily leave of the eligible employee for leave provided under
7 subsection (a) for any part of the total period of such leave
8 the eligible employee is entitled to under such subsection.

9 “(e) NOTICE FOR LEAVE.—In any case in which an
10 eligible employee chooses to use leave under subsection
11 (a), the eligible employee shall provide such notice to the
12 employer as is reasonable and practicable.

13 **“§ 4403. Certification**

14 “(a) IN GENERAL.—An employer may require that
15 a request for leave under section 4402(a) of this title be
16 supported by a certification of entitlement to such leave.

17 “(b) TIMELINESS OF CERTIFICATION.—An eligible
18 employee shall provide, in a timely manner, a copy of the
19 certification required by subsection (a) to the employer.

20 “(c) SUFFICIENT CERTIFICATION.—A copy of the no-
21 tification, call, or order described in section 4402(a)(2) of
22 this title shall be considered sufficient certification of enti-
23 tlement to leave for purposes of providing certification
24 under this section. The Secretary may prescribe such addi-
25 tional forms and manners of certification as the Secretary

1 considers appropriate for purposes of providing certifi-
2 cation under this section.

3 **“§ 4404. Employment and benefits protection**

4 “(a) IN GENERAL.—An eligible employee who takes
5 leave under section 4402 of this title for the intended pur-
6 pose of the leave shall be entitled, on return from such
7 leave—

8 “(1) to be restored by the employer to the posi-
9 tion of employment held by the eligible employee
10 when the leave commenced; or

11 “(2) to be restored to an equivalent position
12 with equivalent rights and benefits of employment.

13 “(b) LOSS OF BENEFITS.—The taking of leave under
14 section 4402 of this title shall not result in the loss of
15 any employment benefit accrued prior to the date on which
16 the leave commenced.

17 “(c) LIMITATIONS.—Nothing in this section shall be
18 construed to entitle any restored employee to—

19 “(1) the accrual of any seniority or employment
20 benefits during any period of leave; or

21 “(2) any right, benefit, or position of employ-
22 ment other than any right, benefit, or position to
23 which the employee would have been entitled had the
24 employee not taken the leave.

1 **“§ 4405. Prohibited acts**

2 “(a) EXERCISE OF RIGHTS.—It shall be unlawful for
3 any employer to interfere with, restrain, or deny the exer-
4 cise of or the attempt to exercise, any right provided under
5 this chapter.

6 “(b) DISCRIMINATION.—It shall be unlawful for any
7 employer to discharge or in any other manner discriminate
8 against any individual for opposing any practice made un-
9 lawful by this chapter.

10 **“§ 4406. Enforcement**

11 “The provisions of subchapter III of chapter 43 of
12 this title shall apply with respect to the provisions of this
13 chapter as if such provisions were incorporated into and
14 made part of this chapter.

15 **“§ 4407. Miscellaneous provisions**

16 “The provisions of subchapter IV of chapter 43 of
17 this title shall apply with respect to the provisions of this
18 chapter as if such provisions were incorporated into and
19 made part of this chapter.”.

20 (b) CLERICAL AMENDMENTS.—The table of chapters
21 at the beginning of title 38, United States Code, and at
22 the beginning of part III of such title, are each amended
23 by inserting after the item relating to chapter 43 the fol-
24 lowing new item:

**“44. Annual Leave for Family of Deployed Members of
the Uniformed Services 4401.”.**

1 **SEC. 590A. CODIFICATION AND CONTINUATION OF JOINT**
2 **FAMILY SUPPORT ASSISTANCE PROGRAM.**

3 (a) CODIFICATION AND CONTINUATION.—Chapter
4 88, of title 10, United States Code, is amended by insert-
5 ing after section 1788 the following new section:

6 **“§ 1788a. Joint Family Support Assistance Program**

7 “(a) PROGRAM REQUIRED.—The Secretary of De-
8 fense shall continue to carry out the program known as
9 the ‘Joint Family Support Assistance Program’ for the
10 purpose of providing to families of members of the armed
11 forces the following types of assistance:

12 “(1) Financial and material assistance.

13 “(2) Mobile support services.

14 “(3) Sponsorship of volunteers and family sup-
15 port professionals for the delivery of support serv-
16 ices.

17 “(4) Coordination of family assistance pro-
18 grams and activities provided by Military
19 OneSource, Military Family Life Consultants, coun-
20 selors, the Department of Defense, other Federal
21 agencies, State and local agencies, and non-profit
22 entities.

23 “(5) Facilitation of discussion on military fam-
24 ily assistance programs, activities, and initiatives be-
25 tween and among the organizations, agencies, and
26 entities referred to in paragraph (4).

1 “(6) Non-medical counseling.

2 “(7) Such other assistance that the Secretary
3 considers appropriate.

4 “(b) LOCATIONS.—The Secretary of Defense shall
5 carry out the program in at least six areas of the United
6 States selected by the Secretary. Up to three of the areas
7 selected for the program shall be areas that are geographi-
8 cally isolated from military installations.

9 “(c) RESOURCES AND VOLUNTEERS.—The Secretary
10 of Defense shall provide personnel and other resources of
11 the Department of Defense necessary for the implementa-
12 tion and operation of the program and may accept and
13 utilize the services of non-Government volunteers and non-
14 profit entities under the program.

15 “(d) PROCEDURES.—The Secretary of Defense shall
16 establish procedures for the operation of the program and
17 for the provision of assistance to families of members of
18 the Armed Forces under the program.

19 “(e) RELATION TO FAMILY SUPPORT CENTERS.—
20 The program is not intended to operate in lieu of other
21 family support centers, but is instead intended to augment
22 the activities of the family support centers.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of subchapter I of such chapter is amend-

1 ed by inserting after the item relating to section 1788a
2 the following new item:

“1788a. Joint Family Support Assistance Program.”.

3 (c) REPEAL OF SUPERCEDED PROVISION.—Section
4 675 of the John Warner National Defense Authorization
5 Act for Fiscal Year 2007 (Public Law 109–364; 119 Stat.
6 2273; 10 U.S.C. 1781 note) is repealed.

7 **Subtitle J—Other Matters**

8 **SEC. 591. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS’** 9 **TRAINING CORPS UNITS FOR STUDENTS IN** 10 **GRADES ABOVE SIXTH GRADE.**

11 Section 2031 of title 10, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(g)(1) In addition to units of the Junior Reserve Of-
15 ficers’ Training Corps established at public and private
16 secondary educational institutions under subsection (a),
17 the Secretary of each military department may carry out
18 a pilot program to establish and support units at public
19 and private educational institutions that are not secondary
20 educational institutions to permit the enrollment of stu-
21 dents in the Corps who, notwithstanding the limitation in
22 subsection (b)(1), are in a grade above the sixth grade.
23 Under the pilot program, the Secretary may authorize a
24 course of military instruction of not less than two aca-
25 demic years’ duration, notwithstanding subsection (b)(3).

1 “(2) Except as provided in paragraph (1), a unit of
2 the Junior Reserve Officers’ Training Corps established
3 and supported under the pilot program must meet the re-
4 quirements of this section.

5 “(3) The Secretary of the military department con-
6 cerned shall conduct a review of the pilot program. The
7 review shall include an evaluation of what impacts, if any,
8 the pilot program may have on the operation of the Junior
9 Reserve Officers’ Training Corps in secondary educational
10 institutions.”.

11 **SEC. 592. INCREASE IN NUMBER OF PRIVATE SECTOR CI-**
12 **VILIANS AUTHORIZED FOR ADMISSION TO**
13 **NATIONAL DEFENSE UNIVERSITY.**

14 Section 2167(a) of title 10, United States Code, is
15 amended by striking “20 full-time student positions” and
16 inserting “35 full-time student positions”.

17 **SEC. 593. ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO**
18 **ATTEND UNITED STATES AIR FORCE INSTI-**
19 **TUTE OF TECHNOLOGY.**

20 (a) ADMISSION AUTHORITY.—Chapter 901 of title
21 10, United States Code, is amended by inserting after sec-
22 tion 9314 the following new section:

1 **“§ 9314a. United States Air Force Institute of Tech-**
2 **nology: admission of defense industry ci-**
3 **vilians**

4 “(a) ADMISSION AUTHORIZED.—(1) The Secretary of
5 the Air Force may permit defense industry employees de-
6 scribed in subsection (b) to receive instruction at the
7 United States Air Force Institute of Technology in accord-
8 ance with this section. Any such defense industry em-
9 ployee may be enrolled in, and may be provided instruction
10 in, a program leading to a graduate degree in a defense
11 focused curriculum related to aeronautics and astronau-
12 tics, electrical and computer engineering, engineering
13 physics, mathematics and statistics, operational sciences,
14 or systems and engineering management.

15 “(2) No more than 125 defense industry employees
16 may be enrolled at the United States Air Force Institute
17 of Technology at any one time under the authority of
18 paragraph (1).

19 “(3) Upon successful completion of the course of in-
20 struction at the United States Air Force Institute of Tech-
21 nology in which a defense industry employee is enrolled,
22 the defense industry employee may be awarded an appro-
23 priate degree under section 9314 of this title.

24 “(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—
25 For purposes of this section, an eligible defense industry
26 employee is an individual employed by a private firm that

1 is engaged in providing to the Department of Defense sig-
2 nificant and substantial defense-related systems, products,
3 or services. A defense industry employee admitted for in-
4 struction at the United States Air Force Institute of Tech-
5 nology remains eligible for such instruction only so long
6 at that person remains employed by the same firm.

7 “(c) ANNUAL DETERMINATION BY THE SECRETARY
8 OF THE AIR FORCE.—Defense industry employees may re-
9 ceive instruction at the United States Air Force Institute
10 of Technology during any academic year only if, before
11 the start of that academic year, the Secretary of the Air
12 Force, or the designee of the Secretary, determines that
13 providing instruction to defense industry employees under
14 this section during that year—

15 “(1) will further the military mission of the
16 United States Air Force Institute of Technology;
17 and

18 “(2) will be done on a space-available basis and
19 not require an increase in the size of the faculty of
20 the school, an increase in the course offerings of the
21 school, or an increase in the laboratory facilities or
22 other infrastructure of the school.

23 “(d) PROGRAM REQUIREMENTS.—The Secretary of
24 the Air Force shall ensure that—

1 “(1) the curriculum in which defense industry
2 employees may be enrolled under this section is not
3 readily available through other schools and con-
4 centrates on the areas of focus specified in sub-
5 section (a)(1) that are conducted by military organi-
6 zations and defense contractors working in close co-
7 operation; and

8 “(2) the course offerings at the United States
9 Air Force Institute of Technology continue to be de-
10 termined solely by the needs of the Department of
11 Defense.

12 “(e) TUITION.—(1) The United States Air Force In-
13 stitute of Technology shall charge tuition for students en-
14 rolled under this section at a rate not less than the rate
15 charged for employees of the United States outside the
16 Department of the Air Force.

17 “(2) Amounts received by the United States Air
18 Force Institute of Technology for instruction of students
19 enrolled under this section shall be retained by the school
20 to defray the costs of such instruction. The source, and
21 the disposition, of such funds shall be specifically identi-
22 fied in records of the school.

23 “(f) STANDARDS OF CONDUCT.—While receiving in-
24 struction at the United States Air Force Institute of Tech-
25 nology, defense industry employees enrolled under this sec-

1 tion, to the extent practicable, are subject to the same reg-
2 ulations governing academic performance, attendance,
3 norms of behavior, and enrollment as apply to Government
4 civilian employees receiving instruction at the school.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 9314 the following new
8 item:

“9314a. United States Air Force Institute of Technology: admission of defense
industry civilians.”.

9 **SEC. 594. DATE FOR SUBMISSION OF ANNUAL REPORT ON**
10 **DEPARTMENT OF DEFENSE STARBASE PRO-**
11 **GRAM.**

12 Section 2193b(g) of title 10, United States Code, is
13 amended by striking “90 days after the end of each fiscal
14 year” and inserting “March 31 of each year”.

15 **SEC. 595. EXTENSION OF DEADLINE FOR SUBMISSION OF**
16 **FINAL REPORT OF MILITARY LEADERSHIP DI-**
17 **VERSITY COMMISSION.**

18 Section 596(e)(1) of the Duncan Hunter National
19 Defense Authorization Act for Fiscal Year 2009 (Public
20 Law 110–417; 122 Stat. 4478) is amended by striking
21 “12 months” and inserting “18 months”.

1 **SEC. 596. ENHANCED AUTHORITY FOR MEMBERS OF THE**
2 **ARMED FORCES AND DEPARTMENT OF DE-**
3 **FENSE AND COAST GUARD CIVILIAN EMPLOY-**
4 **EES AND THEIR FAMILIES TO ACCEPT GIFTS**
5 **FROM NON-FEDERAL ENTITIES.**

6 (a) CODIFICATION AND EXPANSION OF EXISTING
7 AUTHORITY TO COVER ADDITIONAL MEMBERS AND EM-
8 PLOYEES.—

9 (1) CODIFICATION AND EXPANSION.—Chapter
10 155 of title 10, United States Code, is amended by
11 inserting after section 2601 the following new sec-
12 tion:

13 **“§ 2601a. Direct acceptance of gifts by members of**
14 **the armed forces and Department of De-**
15 **fense and Coast Guard employees and**
16 **their families**

17 “(a) REGULATIONS GOVERNING ACCEPTANCE OF
18 GIFTS.—(1) The Secretary of Defense (and the Secretary
19 of Homeland Security in the case of the Coast Guard)
20 shall issue regulations to provide that, subject to such lim-
21 itations as may be specified in such regulations, the fol-
22 lowing individuals may accept gifts from nonprofit organi-
23 zations, private parties, and other sources outside the De-
24 partment of Defense or the Department of Homeland Se-
25 curity:

1 “(A) A member of the armed forces described
2 in subsection (c).

3 “(B) A civilian employee of the Department of
4 Defense or Coast Guard described in subsection (d).

5 “(C) The family members of such a member or
6 employee.

7 “(D) Survivors of such a member or employee
8 who is killed.

9 “(2) The regulations required by this subsection shall
10 apply uniformly to all elements of the Department of De-
11 fense and, to the maximum extent feasible, to the Coast
12 Guard.

13 “(b) EXCEPTION TO GIFT BAN.—A member of the
14 armed forces described in subsection (c) and a civilian em-
15 ployee described in subsection (d) may accept gifts as pro-
16 vided in the regulations issued under subsection (a) not-
17 withstanding section 7353 of title 5.

18 “(c) COVERED MEMBERS.—This section applies to a
19 member of the armed forces who, while performing active
20 duty, full-time National Guard duty, or inactive-duty
21 training on or after September 11, 2001, incurred an in-
22 jury or illness—

23 “(1) as described in section 1413a(e)(2) of this
24 title;

1 “(2) in an operation or area designated as a
2 combat operation or a combat zone by the Secretary
3 of Defense in accordance with the regulations issued
4 under subsection (a); or

5 “(3) under other circumstances determined by
6 the Secretary concerned to warrant treatment analo-
7 gous to members covered by paragraph (1) or (2).

8 “(d) COVERED EMPLOYEES.—This section applies to
9 a civilian employee of the Department of Defense or Coast
10 Guard who, while an employee on or after September 11,
11 2001, incurred an injury or illness under a circumstance
12 described in paragraph (1), (2), or (3) of subsection (c).

13 “(e) GIFTS FROM CERTAIN SOURCES PROHIB-
14 ITED.—The regulations issued under subsection (a) may
15 not authorize the acceptance of a gift from a foreign gov-
16 ernment or international organization or their agents.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by inserting after the item relating to section 2601
20 the following new item:

“2601a. Direct acceptance of gifts by members of the armed forces and Depart-
ment of Defense and Coast Guard employees and their fami-
lies.”.

21 (b) REPEAL OF SUPERCEDED PROVISION.—Section
22 8127 of the Department of Defense Appropriations Act,
23 2006 (division A of Public Law 109–148; 119 Stat. 2730;
24 10 U.S.C. 2601 note prec.) is repealed.

1 (c) APPLICATION OF EXISTING REGULATIONS.—
2 Pending the issuance of the regulations required by sub-
3 section (a) of section 2601a of title 10, United States
4 Code, as added by subsection (a), the regulations pre-
5 scribed under section 8127 of the Department of Defense
6 Appropriations Act, 2006 (division A of Public Law 109–
7 148; 119 Stat. 2730; 10 U.S.C. 2601 note prec.) shall
8 apply to the acceptance of gifts under such section 2601a.

9 (d) RETROACTIVE APPLICABILITY OF REGULA-
10 TIONS.—The regulations issued under subsection (a) of
11 section 2601a of title 10, United States Code, as added
12 by subsection (a), shall, to the extent provided in such reg-
13 ulations, also apply to the acceptance of gifts during the
14 period beginning on September 11, 2001, and ending on
15 the date on which such regulations go into effect.

16 **SEC. 597. REPORT ON PERFORMANCE AND IMPROVEMENTS**
17 **OF TRANSITION ASSISTANCE PROGRAM.**

18 (a) REPORT REQUIRED.—The Secretary of Defense
19 shall prepare a report on the Transition Assistance Pro-
20 gram of the Department of Defense.

21 (b) ELEMENTS.—The report shall include the fol-
22 lowing:

23 (1) A statement and analysis of the rates of
24 post-separation employment rates compared with the

1 general population annually since September 11,
2 2001.

3 (2) A chronological summary of the evolution
4 and development of the Transition Assistance Pro-
5 gram since September 11, 2001.

6 (3) A description of efforts to transform the
7 Transition Assistance Program from one of end-of-
8 service transition to a life-cycle model, in which
9 transition is considered throughout the career of a
10 member of the Armed Forces.

11 (4) An analysis of current and future challenges
12 members continue to face upon entering the civilian
13 work force, including a survey of the following indi-
14 viduals and organizations to identify strengths and
15 shortcomings in the Transition Assistance Program:

16 (A) A representational population of
17 transitioning or recently separated members.

18 (B) Employers with a track record of em-
19 ploying retired or separating members.

20 (C) Veterans service organizations and ad-
21 vocacy groups.

22 (5) Any recommendations, including rec-
23 ommendations for legislative action, that the Sec-
24 retary of Defense considers appropriate to improve

1 the organization, policies, consistency of quality, and
2 efficacy of the Transition Assistance Program.

3 (c) CONSULTATION.—The Secretary of Defense shall
4 prepare the report in consultation with the Secretary of
5 Labor.

6 (d) SUBMISSION OF REPORT.—Not later than 270
7 days after the date of the enactment of this Act, the Sec-
8 retary of Defense shall submit the report to the Commit-
9 tees on Armed Services of the Senate and the House of
10 Representatives.

11 **SEC. 598. SENSE OF CONGRESS REGARDING ASSISTING**
12 **MEMBERS OF THE ARMED FORCES TO PAR-**
13 **TICIPATE IN APPRENTICESHIP PROGRAMS.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) Some members of the Armed Forces who
17 are separated or released from active duty are hav-
18 ing difficulty finding employment after their separa-
19 tion or release.

20 (2) Some members who have served for long pe-
21 riods on active duty have the additional difficulty of
22 translating their military experience into skill sets
23 for civilian employment.

1 (3) Apprenticeship programs bring immense
2 value to the American workforce and to individuals
3 who participate in such programs.

4 (4) Apprenticeship programs assist in the build-
5 ing of résumés and skills of participants and help
6 connect participants with employers and job oppor-
7 tunities.

8 (5) Military units returning from deployment
9 often operate at a reduced readiness status, which
10 would allow members who are assigned to the unit,
11 but who are in the process of being separated or re-
12 leased from active duty, to be available to participate
13 in apprenticeship programs.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that commanders of units of the Armed Forces
16 should make every effort to permit members of the Armed
17 Forces who are assigned to the unit, but who are in the
18 process of being separated or released from active duty,
19 to participate in an apprenticeship program that is reg-
20 istered under the Act of Aug. 16, 1937 (commonly known
21 as the National Apprenticeship Act; 29 U.S.C. 50 et seq.).

22 (c) ARMED FORCES DEFINED.—In this section, the
23 term “Armed Forces” means the Army, Navy, Air Force,
24 and Marine Corps.

1 **SEC. 599. REPORT ON EXPANSION OF NUMBER OF HEIR-**
2 **LOOM CHEST AWARDED TO SURVIVING FAMI-**
3 **LIES.**

4 The Secretary of the Army shall submit to the con-
5 gressional defense committees a report on the heirloom
6 chest policy of the Army, including—

- 7 (1) a detailed explanation of such policy;
- 8 (2) the plans of the Secretary to continue the
9 heirloom chest program; and
- 10 (3) an estimate of the procurement costs to ex-
11 pand the number of such chests to additional family
12 members.

13 **SEC. 600. INCREASE OF MAXIMUM AGE FOR CHILDREN ELI-**
14 **GIBLE FOR MEDICAL CARE UNDER CHAMPVA**
15 **PROGRAM.**

16 (a) INCREASE.—Section 1781(c) of title 38, United
17 States Code, is amended—

- 18 (1) by striking “twenty-three” and inserting
19 “twenty-six”; and
- 20 (2) by striking “twenty-third birthday” and in-
21 serting “twenty-sixth birthday”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply with respect to medical care pro-
24 vided on or after the date of the enactment of this Act.

1 **SEC. 600A. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM**
2 **FROM DEPARTMENT OF EDUCATION TO DE-**
3 **PARTMENT OF DEFENSE.**

4 (a) TRANSFER OF FUNCTIONS.—

5 (1) TRANSFER.—The responsibility and author-
6 ity for operation and administration of the Troops-
7 to-Teachers Program in chapter A of subpart 1 of
8 part C of title II of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6671 et seq.), is
10 transferred from the Secretary of Education to the
11 Secretary of Defense.

12 (2) EFFECTIVE DATE.—The transfer under
13 paragraph (1) shall take effect on the first day of
14 the first month beginning more than 180 days after
15 the date of the enactment of this Act, or on such
16 earlier date as the Secretary of Education and the
17 Secretary of Defense may jointly provide.

18 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE
19 10, UNITED STATES CODE.—

20 (1) IN GENERAL.—Chapter 58 of title 10,
21 United States Code, is amended by adding at the
22 end the following new section:

23 **“§ 1154. Assistance to eligible members and former**
24 **members to obtain employment as teach-**
25 **ers: Troops-to-Teachers Program**

26 “(a) DEFINITIONS.—In this section:

1 “(1) PROGRAM.—The term ‘Program’ means
2 the Troops-to-Teachers Program authorized by this
3 section.

4 “(2) MEMBER OF THE ARMED FORCES.—The
5 term ‘member of the armed forces’ includes a former
6 member of the armed forces.

7 “(3) CHARTER SCHOOL.—The term ‘charter
8 school’ has the meaning given that term in section
9 5210 of the Elementary and Secondary Education
10 Act of 1965 (20 U.S.C. 7221i).

11 “(4) ADDITIONAL TERMS.—The terms ‘elemen-
12 tary school’, ‘highly qualified teacher’, ‘local edu-
13 cational agency’, ‘secondary school’, and ‘state’ have
14 the meanings given those terms in section 9101 of
15 the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 7801).

17 “(b) PROGRAM AUTHORIZATION.—The Secretary
18 may carry out a program (to be known as the ‘Troops-
19 to-Teachers Program’)—

20 “(1) to assist eligible members of the armed
21 forces described in subsection (d) to obtain certifi-
22 cation or licensing as elementary school teachers,
23 secondary school teachers, or vocational or technical
24 teachers, and to become highly qualified teachers;
25 and

1 “(2) to facilitate the employment of such mem-
2 bers—

3 “(A) by local educational agencies or pub-
4 lic charter schools that the Secretary of Edu-
5 cation identifies as—

6 “(i) receiving grants under part A of
7 title I of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6301 et
9 seq.) as a result of having within their ju-
10 risdictions concentrations of children from
11 low-income families; or

12 “(ii) experiencing a shortage of highly
13 qualified teachers, in particular a shortage
14 of science, mathematics, special education,
15 or vocational or technical teachers; and

16 “(B) in elementary schools or secondary
17 schools, or as vocational or technical teachers.

18 “(c) PLACEMENT ASSISTANCE AND REFERRAL SERV-
19 ICES.—The Secretary may provide placement assistance
20 and referral services to members of the armed forces who
21 meet the criteria described in subsection (d), including
22 meeting the education qualification requirements under
23 subsection (d)(3)(B). Such members shall not be eligible
24 for financial assistance under paragraphs (3) and (4) of
25 subsection (e).

1 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

2 “(1) ELIGIBLE MEMBERS.—The following mem-
3 bers of the armed forces are eligible for selection to
4 participate in the Program:

5 “(A) Any member who—

6 “(i) on or after October 1, 1999, be-
7 comes entitled to retired or retainer pay
8 under this title or title 14;

9 “(ii) has an approved date of retire-
10 ment that is within one year after the date
11 on which the member submits an applica-
12 tion to participate in the Program; or

13 “(iii) has been transferred to the Re-
14 tired Reserve.

15 “(B) Any member who, on or after Janu-
16 ary 8, 2002—

17 “(i)(I) is separated or released from
18 active duty after six or more years of con-
19 tinuous active duty immediately before the
20 separation or release; or

21 “(II) has completed a total of at
22 least ten years of active duty service,
23 ten years of service computed under
24 section 12732 of this title, or ten

1 years of any combination of such serv-
2 ice; and

3 “(ii) executes a reserve commitment
4 agreement for a period of not less than
5 three years under paragraph (5)(B).

6 “(C) Any member who, on or after Janu-
7 ary 8, 2002, is retired or separated for physical
8 disability under chapter 61 of this title.

9 “(2) SUBMISSION OF APPLICATIONS.—(A) Se-
10 lection of eligible members of the armed forces to
11 participate in the Program shall be made on the
12 basis of applications submitted to the Secretary
13 within the time periods specified in subparagraph
14 (B). An application shall be in such form and con-
15 tain such information as the Secretary may require.

16 “(B) An application shall be considered to be
17 submitted on a timely basis under subparagraph
18 (A)(i), (B), or (C) of paragraph (1) if the applica-
19 tion is submitted not later than four years after the
20 date on which the member is retired or separated or
21 released from active duty, whichever applies to the
22 member.

23 “(3) SELECTION CRITERIA; EDUCATIONAL
24 BACKGROUND REQUIREMENTS AND HONORABLE
25 SERVICE REQUIREMENT.—(A) Subject to subpara-

1 graphs (B) and (C), the Secretary shall prescribe
2 the criteria to be used to select eligible members of
3 the armed forces to participate in the Program.

4 “(B)(i) If a member of the armed forces is ap-
5 plying for assistance for placement as an elementary
6 school or secondary school teacher, the Secretary
7 shall require the member to have received a bacca-
8 laureate or advanced degree from an accredited in-
9 stitution of higher education.

10 “(ii) If a member of the armed forces is apply-
11 ing for assistance for placement as a vocational or
12 technical teacher, the Secretary shall require the
13 member—

14 “(I) to have received the equivalent of one
15 year of college from an accredited institution of
16 higher education and have six or more years of
17 military experience in a vocational or technical
18 field; or

19 “(II) to otherwise meet the certification or
20 licensing requirements for a vocational or tech-
21 nical teacher in the State in which the member
22 seeks assistance for placement under the Pro-
23 gram.

24 “(C) A member of the armed forces is eligible
25 to participate in the Program only if the member’s

1 last period of service in the armed forces was honor-
2 able, as characterized by the Secretary concerned. A
3 member selected to participate in the Program be-
4 fore the retirement of the member or the separation
5 or release of the member from active duty may con-
6 tinue to participate in the Program after the retire-
7 ment, separation, or release only if the member's
8 last period of service is characterized as honorable
9 by the Secretary concerned.

10 “(4) SELECTION PRIORITIES.—In selecting eli-
11 gible members of the armed forces to receive assist-
12 ance under the Program, the Secretary shall give
13 priority to members who—

14 “(A) have educational or military experi-
15 ence in science, mathematics, special education,
16 or vocational or technical subjects; and

17 “(B) agree to seek employment as science,
18 mathematics, or special education teachers in
19 elementary schools or secondary schools or in
20 other schools under the jurisdiction of a local
21 educational agency.

22 “(5) OTHER CONDITIONS ON SELECTION.—

23 “(A) The Secretary may not select an eligi-
24 ble member of the armed forces to participate
25 in the Program and receive financial assistance

1 unless the Secretary has sufficient appropria-
2 tions for the Program available at the time of
3 the selection to satisfy the obligations to be in-
4 curred by the United States under subsection
5 (e) with respect to the member.

6 “(B) The Secretary may not select an eli-
7 gible member of the armed forces described in
8 paragraph (1)(B)(i) to participate in the Pro-
9 gram under this section and receive financial
10 assistance under subsection (e) unless the mem-
11 ber executes a written agreement to serve as a
12 member of the Selected Reserve of a reserve
13 component of the armed forces for a period of
14 not less than three years (in addition to any
15 other reserve commitment the member may
16 have).

17 “(e) PARTICIPATION AGREEMENT AND FINANCIAL
18 ASSISTANCE.—

19 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
20 gible member of the armed forces selected to partici-
21 pate in the Program under subsection (b) and re-
22 ceive financial assistance under this subsection shall
23 be required to enter into an agreement with the Sec-
24 retary in which the member agrees—

1 “(i) within such time as the Secretary
2 may require, to obtain certification or li-
3 censing as an elementary school teacher,
4 secondary school teacher, or vocational or
5 technical teacher, and to become a highly
6 qualified teacher; and

7 “(ii) to accept an offer of full-time
8 employment as an elementary school teach-
9 er, secondary school teacher, or vocational
10 or technical teacher for not less than three
11 school years with a high-need local edu-
12 cational agency or public charter school, as
13 such terms are defined in section 2102 of
14 the Elementary and Secondary Education
15 Act (20 U.S.C. 6602), to begin the school
16 year after obtaining that certification or li-
17 censing.

18 “(B) The Secretary may waive the three-year
19 commitment described in subparagraph (A)(ii) for a
20 participant if the Secretary determines such waiver
21 to be appropriate. If the Secretary provides the
22 waiver, the participant shall not be considered to be
23 in violation of the agreement and shall not be re-
24 quired to provide reimbursement under subsection
25 (f), for failure to meet the three-year commitment.

1 “(2) VIOLATION OF PARTICIPATION AGREE-
2 MENT; EXCEPTIONS.—A participant in the Program
3 shall not be considered to be in violation of the par-
4 ticipation agreement entered into under paragraph
5 (1) during any period in which the participant—

6 “(A) is pursuing a full-time course of
7 study related to the field of teaching at an in-
8 stitution of higher education;

9 “(B) is serving on active duty as a member
10 of the armed forces;

11 “(C) is temporarily totally disabled for a
12 period of time not to exceed three years as es-
13 tablished by sworn affidavit of a qualified physi-
14 cian;

15 “(D) is unable to secure employment for a
16 period not to exceed 12 months by reason of the
17 care required by a spouse who is disabled;

18 “(E) is a highly qualified teacher who is
19 seeking and unable to find full-time employ-
20 ment as a teacher in an elementary school or
21 secondary school or as a vocational or technical
22 teacher for a single period not to exceed 27
23 months; or

1 “(F) satisfies the provisions of additional
2 reimbursement exceptions that may be pre-
3 scribed by the Secretary.

4 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject
5 to subparagraph (B), the Secretary may pay to a
6 participant in the Program selected under this sec-
7 tion a stipend in an amount of not more than
8 \$5,000.

9 “(B) The total number of stipends that may be
10 paid under subparagraph (A) in any fiscal year may
11 not exceed 5,000.

12 “(4) BONUS FOR PARTICIPANTS.—(A) Subject
13 to subparagraph (B), the Secretary may, in lieu of
14 paying a stipend under paragraph (3), pay a bonus
15 of \$10,000 to a participant in the Program selected
16 under this section who agrees in the participation
17 agreement under paragraph (1) to become a highly
18 qualified teacher and to accept full-time employment
19 as an elementary school teacher, secondary school
20 teacher, or vocational or technical teacher for not
21 less than three school years in a high-need school.

22 “(B) The total number of bonuses that may be
23 paid under subparagraph (A) in any fiscal year may
24 not exceed 3,000.

1 “(C) For purposes of subparagraph (A), the
2 term ‘high-need school’ means a public elementary
3 school, public secondary school, or public charter
4 school that meets one or more of the following cri-
5 teria:

6 “(i) At least 50 percent of the students en-
7 rolled in the school were from low-income fami-
8 lies (as described in subsection (b)(2)(A)(i)).

9 “(ii) The school has a large percentage of
10 students who qualify for assistance under part
11 B of the Individuals with Disabilities Education
12 Act (20 U.S.C. 1411 et seq.).

13 “(5) TREATMENT OF STIPEND AND BONUS.—A
14 stipend or bonus paid under this subsection to a
15 participant in the Program shall be taken into ac-
16 count in determining the eligibility of the participant
17 for Federal student financial assistance provided
18 under title IV of the Higher Education Act of 1965
19 (20 U.S.C. 1070 et seq.).

20 “(f) REIMBURSEMENT UNDER CERTAIN CIR-
21 CUMSTANCES.—

22 “(1) REIMBURSEMENT REQUIRED.—A partici-
23 pant in the Program who is paid a stipend or bonus
24 under this subsection shall be required to repay the
25 stipend or bonus under the following circumstances:

1 “(A) The participant fails to obtain teach-
2 er certification or licensing, to become a highly
3 qualified teacher, or to obtain employment as
4 an elementary school teacher, secondary school
5 teacher, or vocational or technical teacher as re-
6 quired by the participation agreement under
7 subsection (e)(1).

8 “(B) The participant voluntarily leaves, or
9 is terminated for cause from, employment as an
10 elementary school teacher, secondary school
11 teacher, or vocational or technical teacher dur-
12 ing the three years of required service in viola-
13 tion of the participation agreement.

14 “(C) The participant executed a written
15 agreement with the Secretary concerned under
16 subsection (d)(5)(B) to serve as a member of a
17 reserve component of the armed forces for a pe-
18 riod of three years and fails to complete the re-
19 quired term of service.

20 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
21 pant required to reimburse the Secretary for a sti-
22 pend or bonus paid to the participant under sub-
23 section (e) shall pay an amount that bears the same
24 ratio to the amount of the stipend or bonus as the
25 unserved portion of required service bears to the

1 three years of required service. Any amount owed by
2 the participant shall bear interest at the rate equal
3 to the highest rate being paid by the United States
4 on the day on which the reimbursement is deter-
5 mined to be due for securities having maturities of
6 90 days or less and shall accrue from the day on
7 which the participant is first notified of the amount
8 due.

9 “(3) TREATMENT OF OBLIGATION.—The obliga-
10 tion to reimburse the Secretary under this sub-
11 section is, for all purposes, a debt owing the United
12 States. A discharge in bankruptcy under title 11
13 shall not release a participant from the obligation to
14 reimburse the Secretary under this subsection.

15 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
16 QUIREMENT.—A participant shall be excused from
17 reimbursement under this subsection if the partici-
18 pant becomes permanently totally disabled as estab-
19 lished by sworn affidavit of a qualified physician.
20 The Secretary may also waive the reimbursement in
21 cases of extreme hardship to the participant, as de-
22 termined by the Secretary.

23 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
24 UNDER MONTGOMERY GI BILL.—The receipt by a partici-
25 ipant in the Program of a stipend or bonus under this

1 subsection (e) shall not reduce or otherwise affect the enti-
2 tlement of the participant to any benefits under chapter
3 30 or 33 of title 38 or chapter 1606 of this title.

4 “(h) PARTICIPATION BY STATES.—

5 “(1) DISCHARGE OF STATE ACTIVITIES
6 THROUGH CONSORTIA OF STATES.—The Secretary
7 may permit States participating in the Program to
8 carry out activities authorized for such States under
9 the Program through one or more consortia of such
10 States.

11 “(2) ASSISTANCE TO STATES.—(A) Subject to
12 subparagraph (B), the Secretary may make grants
13 to States participating in the Program, or to con-
14 sortia of such States, in order to permit such States
15 or consortia of States to operate offices for purposes
16 of recruiting eligible members of the armed forces
17 for participation in the Program and facilitating the
18 employment of participants in the Program as ele-
19 mentary school teachers, secondary school teachers,
20 and vocational or technical teachers.

21 “(B) The total amount of grants made under
22 subparagraph (A) in any fiscal year may not exceed
23 \$5,000,000.”.

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

“1154. Troops-to-Teachers Program.”.

4 (c) CONFORMING AMENDMENT.—Section
5 1142(b)(4)(C) of such title is amended by striking “under
6 sections 1152 and 1153 of this title and the Troops-to-
7 Teachers Program under section 2302 of the Elementary
8 and Secondary Education Act of 1965 (20 U.S.C. 6672)”
9 and inserting “under sections 1152, 1153, and 1154 of
10 this title”.

11 (d) TERMINATION OF ORIGINAL PROGRAM.—

12 (1) TERMINATION.—

13 (A) Chapter A of subpart 1 of part C of
14 the Elementary and Secondary Education Act
15 of 1965 (20 U.S.C. 6671 et seq.) is repealed.

16 (B) The table of contents in section 2 of
17 part I of the Elementary and Secondary Edu-
18 cation Act of 1965 is amended by striking the
19 items relating to chapter A of subpart 1 of part
20 C of said Act.

21 (2) EXISTING AGREEMENTS.—The repeal of
22 such chapter shall not affect the validity or terms of
23 any agreement entered into before the date of the
24 enactment of this Act under chapter A of subpart 1
25 of part C of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 6671 et seq.), or to
2 pay assistance, make grants, or obtain reimburse-
3 ment in connection with such an agreement as in ef-
4 fect before such repeal.

5 (e) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect on the effective date of the
7 transfer under subsection (a).

8 **SEC. 600B. ENHANCEMENTS TO THE TROOPS-TO-TEACHERS**
9 **PROGRAM.**

10 (a) YEARS OF SERVICE REQUIREMENTS.—Sub-
11 section (d) of section 1154 title 10, United States Code,
12 as added by section 600A, is amended—

13 (1) in paragraph (1)—

14 (A) by striking “or” at the end of subpara-
15 graph (B);

16 (B) by striking the period at the end of
17 subparagraph (C) and inserting “; or”; and

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

20 “(D) commencing on or after September
21 11, 2001, serves at least four years on active
22 duty (as such term is defined in section
23 101(d)(1) of this title, except that such term
24 does not include a period of service described in
25 paragraphs (1) through (3) of section 3311(d)

1 of title 38) in the Armed Forces (excluding
2 service on active duty in entry level or skills
3 training) and, after completion of such service,
4 is discharged or released as follows:

5 “(i) A discharge from active duty in
6 the armed forces with an honorable dis-
7 charge.

8 “(ii) A release after service on active
9 duty in the armed forces characterized by
10 the Secretary concerned as honorable serv-
11 ice and placement on the retired list,
12 transfer to the Fleet Reserve or Fleet Ma-
13 rine Corps Reserve, or placement on the
14 temporary disability retired list.

15 “(iii) A release from active duty in the
16 armed forces for further service in a re-
17 serve component of the armed forces after
18 service on active duty characterized by the
19 Secretary concerned as honorable service.”.

20 (b) DEFINITION OF LOCAL EDUCATION AGENCY AND
21 PUBLIC CHARTER SCHOOLS.—Such section is further
22 amended as follows:

23 (1) Clause (i) of subsection (b)(2)(A) of such
24 section is amended to read as follows:

1 “(i) receiving grants under part A of
2 title I, a Bureau-funded school (as such
3 term is defined in section 1141 of the Edu-
4 cation Amendments of 1978 (25 U.S.C.
5 2021(3)), or public charter school;”.

6 (2) In subsection (e)(1)(A)(ii), by striking “or
7 public charter school receiving grants under part A
8 of title I of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 6311 et seq.)” and
10 inserting “receiving grants under part A of title I,
11 a Bureau-funded school (as such term is defined in
12 section 1141 of the Education Amendments of 1978
13 (25 U.S.C. 2021(3)) or public charter school”.

14 (c) TROOPS-TO-TEACHERS ADVISORY BOARD.—Such
15 section is further amended by adding at the end the fol-
16 lowing new subsection:

17 “(f) ADVISORY BOARD.—

18 “(1) ESTABLISHMENT.—Not later than 120
19 days after the date of enactment of section 1154 of
20 this title, the Secretary of Education and the Sec-
21 retary of Defense shall establish an advisory board
22 composed of—

23 “(A) a representative from the Department
24 of Defense;

1 “(B) a representative from the Depart-
2 ment of Education;

3 “(C) representatives from 3 State offices
4 that operate to recruit eligible members of the
5 armed forces for participation in the Program
6 and facilitating the employment of participants
7 in the Program as elementary school teachers,
8 secondary school teachers, and vocational or
9 technical teachers; and

10 “(D) a representative from each of 3 vet-
11 eran service organizations.

12 “(2) DUTIES.—The advisory board established
13 under subsection (a) shall—

14 “(A) collect, consider, and disseminate
15 feedback from participants and State offices de-
16 scribed in subsection (a)(4) on—

17 “(i) the best practices for improving
18 recruitment of eligible members of the
19 Armed Forces in States, local educational
20 agencies, and public charter schools under
21 served by the Program;

22 “(ii) ensuring that high-need local
23 educational agencies and public charter
24 schools are aware of the Program and how
25 to participate in it;

1 “(iii) coordinating the goals of the
2 Program with other Federal, State, and
3 local education needs and programs; and

4 “(iv) other activities that the advisory
5 board deems necessary; and

6 “(B) not later than one year after the date
7 of the enactment of section 1154 of this title,
8 and annually thereafter, prepare and submit a
9 report to the Committees on Health, Education,
10 Labor, and Pensions and Armed Services of the
11 Senate and the Committees on Education and
12 Labor and Armed Services of the House of
13 Representatives, which shall include—

14 “(i) information with respect to the
15 activities of the advisory board;

16 “(ii) information with respect to the
17 Program, including—

18 “(I) the number of participants
19 in the Program;

20 “(II) the number of States par-
21 ticipating in the Program;

22 “(III) local educational agencies
23 and schools in where participants are
24 employed;

1 “(IV) the grade levels at which
2 participants teach;

3 “(V) the academic subjects
4 taught by participants;

5 “(VI) rates of retention of par-
6 ticipants by the local educational
7 agencies and public charter schools
8 employing participant;

9 “(VII) other demographic infor-
10 mation as may be necessary to evalu-
11 ate the effectiveness of the program;
12 and

13 “(VIII) a review of the stipend
14 and bonus available to participants
15 under paragraphs (3) and (4)(A) of
16 subsection (d); and

17 “(iii) recommendations for—

18 “(I) improvements to local, State,
19 and Federal recruitment and retention
20 efforts;

21 “(II) legislative or executive pol-
22 icy changes to improve the Program,
23 enhance participant experience, and
24 increase participation in the program;
25 and

1 “(III) other changes necessary to
2 ensure that the Program is meeting
3 the purpose described in subsection
4 (b).”.

5 **SEC. 600C. SUPPORT FROM DEPARTMENT OF EDUCATION**
6 **TO HELP COVER COSTS OF NEW STATE PRO-**
7 **GRAMS UNDER NATIONAL GUARD YOUTH**
8 **CHALLENGE PROGRAM.**

9 Paragraph (2) of section 509(d) of title 32, United
10 States Code, is amended to read as follows:

11 “(2) The limitation in paragraph (1) may not be con-
12 strued as a limitation on the amount of assistance that
13 may be provided to a State program of the Program for
14 a fiscal year from sources other than the Department of
15 Defense. Using funds available to the Department of Edu-
16 cation, the Secretary of Education may provide assistance
17 to cover the difference between the amount provided by
18 the Department of Defense and the total costs of oper-
19 ating a new State program of the Program during the first
20 three full fiscal years in which the new State program is
21 in operation.”.

1 **SEC. 600D. STUDY OF TREATMENT OF MEMBERS OF THE**
2 **RESERVE COMPONENTS.**

3 (a) STUDY.—The Inspector General of the Depart-
4 ment of Defense shall conduct a study of the treatment
5 of members of the reserve components.

6 (b) MATTERS INCLUDED.—The study under sub-
7 section (a) shall include the following:

8 (1) An analysis of the treatment of members of
9 the reserve components—

10 (A) at mobilization and demobilization
11 sites of the Army, including warrior transition
12 units and joint medical battalions; and

13 (B) during predeployment and
14 postdeployment medical examinations under
15 section 1074(f) of title 10, United States Code.

16 (2) An analysis of the quality of care, treat-
17 ment, and information that members of the reserve
18 components receive before, during, and after deploy-
19 ment.

20 (3) An analysis of patterns of treatment of
21 members of the reserve components during the pe-
22 riod following a deployment, including during med-
23 ical examinations or other actions that could affect
24 health care and disability benefits, as compared to
25 the treatment of members of the regular components
26 during such period.

1 (4) Identification of any improvements needed
2 so that members of the reserve components and
3 members of the regular components are treated
4 equally.

5 (c) REPORT.—Not later than December 31, 2010, the
6 Inspector General shall submit to the congressional de-
7 fense committees a report on the study under subsection
8 (a).

9 **TITLE VI—COMPENSATION AND**
10 **OTHER PERSONNEL BENEFITS**
11 **Subtitle A—Pay and Allowances**

12 **SEC. 601. FISCAL YEAR 2011 INCREASE IN MILITARY BASIC**
13 **PAY.**

14 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
15 adjustment to become effective during fiscal year 2011 re-
16 quired by section 1009 of title 37, United States Code,
17 in the rates of monthly basic pay authorized members of
18 the uniformed services shall not be made.

19 (b) INCREASE IN BASIC PAY.—Effective on January
20 1, 2011, the rates of monthly basic pay for members of
21 the uniformed services are increased by 1.9 percent.

1 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**
2 **BER COUPLES WHEN ONE OR BOTH MEM-**
3 **BERS ARE ON SEA DUTY.**

4 (a) IN GENERAL.—Subparagraph (C) of section
5 403(f)(2) of title 37, United States Code, is amended to
6 read as follows:

7 “(C) Notwithstanding section 421 of this title, a
8 member of a uniformed service in a pay grade below pay
9 grade E–6 who is assigned to sea duty and is married
10 to another member of a uniformed service is entitled to
11 a basic allowance for housing subject to the limitations
12 of subsection (e).”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on January 1, 2011.

15 **SEC. 603. ALLOWANCES FOR PURCHASE OF REQUIRED UNI-**
16 **FORMS AND EQUIPMENT.**

17 (a) INITIAL ALLOWANCE FOR OFFICERS.—Section
18 415 of title 37, United States Code, is amended—

19 (1) in subsection (a)—

20 (A) by redesignating paragraphs (1)
21 through (4) as subparagraphs (A) through (D),
22 respectively;

23 (B) by inserting “ALLOWANCE FOR OFFI-
24 CERS IN THE ARMED FORCES.—(1)” after
25 “(a)”;

1 (C) by striking “\$400” and inserting
2 “\$500”; and

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

5 “(2) The Secretary of a military department, with the
6 approval of the Secretary of Defense, may increase the
7 maximum amount of the allowance specified in paragraph
8 (1) for officers of an armed force under the jurisdiction
9 of the Secretary. The Secretary of Homeland Security, in
10 the case of the Coast Guard when it is not operating as
11 a service in the Navy, may increase the maximum amount
12 of the allowance specified in paragraph (1) for officers of
13 the Coast Guard.”;

14 (2) in subsection (b), by inserting “EXCEP-
15 TION.—” after “(b)”; and

16 (3) in subsection (c)—

17 (A) by redesignating paragraphs (1) and
18 (2) as subparagraphs (A) and (B), respectively;

19 (B) by striking “An allowance of \$250”
20 and inserting “PUBLIC HEALTH SERVICE AL-
21 LOWANCE.—(1) An allowance of \$300”; and

22 (C) by inserting “(2)” before “An officer”.

23 (b) ADDITIONAL ALLOWANCES.—Section 416 of such
24 title is amended—

1 (1) in subsection (a), by striking “\$200” and
2 inserting “\$250”; and

3 (2) in subsection (b)(1), by striking “\$400”
4 and inserting “\$500”.

5 **SEC. 604. INCREASE IN AMOUNT OF FAMILY SEPARATION**
6 **ALLOWANCE.**

7 (a) INCREASE.—Section 427(a)(1) of title 37, United
8 States Code, is amended by striking “\$250” and inserting
9 “\$285”.

10 (b) APPLICATION OF AMENDMENT.—The amendment
11 made by subsection (a) shall take effect on October 1,
12 2010, and apply with respect to months beginning on or
13 after that date.

14 **SEC. 605. ONE-TIME SPECIAL COMPENSATION FOR TRANSI-**
15 **TION OF ASSISTANTS PROVIDING AID AND**
16 **ATTENDANCE CARE TO MEMBERS OF THE**
17 **UNIFORMED SERVICES WITH CATASTROPHIC**
18 **INJURIES OR ILLNESSES.**

19 (a) TRANSITION COMPENSATION AUTHORIZED.—
20 Section 439 of title 37, United States Code, is amended—

21 (1) by redesignating subsections (e) through (h)
22 as subsections (f) through (i), respectively; and

23 (2) by inserting after subsection (d) the fol-
24 lowing new subsection (e):

1 “(e) ONE-TIME TRANSITIONAL COMPENSATION AU-
2 THORIZED.—In addition to monthly special compensation
3 payable under subsection (a), the Secretary concerned
4 may pay to a member eligible for monthly special com-
5 pensation a one-time payment of not more than \$3,500
6 for the transition of assistants providing aid and attend-
7 ance care to the member as described in subsection
8 (b)(2).”.

9 (b) CONFORMING AND CLERICAL AMENDMENTS.—
10 Such section is further amended—

11 (1) in subsection (c), by inserting “OF MONTH-
12 LY COMPENSATION” after “AMOUNT”;

13 (2) in subsection (d), by inserting “OF MONTH-
14 LY COMPENSATION” after “DURATION”; and

15 (3) in subsection (f), as redesignated by sub-
16 section (a)(1), by striking “Monthly special com-
17 pensation payable to a member under this section”
18 and inserting “Special compensation paid to a mem-
19 ber under subsection (a) or (e)”.

20 **SEC. 606. EXPANSION OF DEFINITION OF SENIOR ENLISTED**
21 **MEMBER TO INCLUDE SENIOR ENLISTED**
22 **MEMBER SERVING WITHIN A COMBATANT**
23 **COMMAND.**

24 (a) BASIC PAY.—On and after January 1, 2011, for
25 purposes of establishing the rates of monthly basic pay

1 for members of the uniformed services, the senior enlisted
2 member of the Armed Forces serving within a combatant
3 command (as defined in section 161(c) of title 10, United
4 States Code) shall be treated in the same manner as the
5 Sergeant Major of the Army, Master Chief Petty Officer
6 of the Navy, Chief Master Sergeant of the Air Force, Ser-
7 geant Major of the Marine Corps, Master Chief Petty Offi-
8 cer of the Coast Guard, and Senior Enlisted Advisor to
9 the Chairman of the Joint Chiefs of Staff.

10 (b) RATE OF BASIC PAY USED TO DETERMINE RE-
11 TIRED PAY BASE.—Section 1406(i)(3)(B) of title 10,
12 United States Code, is amended by adding at the end the
13 following new clause:

14 (vii) Senior enlisted member serving
15 within a combatant command (as defined
16 in section 161(c) of this title).”.

17 (c) PAY DURING TERMINAL LEAVE AND WHILE
18 HOSPITALIZED.—Section 210(c) of title 37, United States
19 Code, is amended by adding at the end the following new
20 paragraph:

21 (7) The senior enlisted member serving within
22 a combatant command (as defined in section 161(c)
23 of title 10).”.

1 **SEC. 607. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN**
2 **EMPLOYEES FOR RESERVIST INCOME RE-**
3 **PLACEMENT PAYMENTS ON ACCOUNT OF**
4 **AVAILABILITY OF COMPARABLE BENEFITS**
5 **UNDER ANOTHER PROGRAM.**

6 (a) INELIGIBILITY FOR PAYMENTS.—Section 910(b)
7 of title 37, United States Code, is amended by adding at
8 the end the following new paragraph:

9 “(3) A member of a reserve component who is other-
10 wise entitled to a payment under this section is not enti-
11 tled to the payment for any month during which the mem-
12 ber is also a civilian employee of the Federal Government
13 entitled to—

14 “(A) a differential payment under section 5538
15 of title 5; or

16 “(B) a comparable benefit under an administra-
17 tively established program for civilian employees ab-
18 sent from a position of employment with the Federal
19 Government in order to perform active duty in the
20 uniformed services.”.

21 (b) EFFECTIVE DATE.—Subsection (b)(3) of section
22 910 of title 37, United States Code, as added by sub-
23 section (a), shall apply with respect to payments under
24 such section for months beginning on or after the date
25 of the enactment of this Act.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
4 **SPECIAL PAY AUTHORITIES FOR RESERVE**
5 **FORCES.**

6 The following sections of title 37, United States
7 Code, are amended by striking “December 31, 2010” and
8 inserting “December 31, 2011”:

9 (1) Section 308b(g), relating to Selected Re-
10 serve reenlistment bonus.

11 (2) Section 308c(i), relating to Selected Reserve
12 affiliation or enlistment bonus.

13 (3) Section 308d(c), relating to special pay for
14 enlisted members assigned to certain high-priority
15 units.

16 (4) Section 308g(f)(2), relating to Ready Re-
17 serve enlistment bonus for persons without prior
18 service.

19 (5) Section 308h(e), relating to Ready Reserve
20 enlistment and reenlistment bonus for persons with
21 prior service.

22 (6) Section 308i(f), relating to Selected Reserve
23 enlistment and reenlistment bonus for persons with
24 prior service.

1 (7) Section 910(g), relating to income replace-
2 ment payments for reserve component members ex-
3 periencing extended and frequent mobilization for
4 active duty service.

5 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
6 **SPECIAL PAY AUTHORITIES FOR HEALTH**
7 **CARE PROFESSIONALS.**

8 (a) TITLE 10 AUTHORITIES.—The following sections
9 of title 10, United States Code, are amended by striking
10 “December 31, 2010” and inserting “December 31,
11 2011”:

12 (1) Section 2130a(a)(1), relating to nurse offi-
13 cer candidate accession program.

14 (2) Section 16302(d), relating to repayment of
15 education loans for certain health professionals who
16 serve in the Selected Reserve.

17 (b) TITLE 37 AUTHORITIES.—The following sections
18 of title 37, United States Code, are amended by striking
19 “December 31, 2010” and inserting “December 31,
20 2011”:

21 (1) Section 302e–1(f), relating to accession and
22 retention bonuses for psychologists.

23 (2) Section 302d(a)(1), relating to accession
24 bonus for registered nurses.

1 (3) Section 302e(a)(1), relating to incentive
2 special pay for nurse anesthetists.

3 (4) Section 302g(e), relating to special pay for
4 Selected Reserve health professionals in critically
5 short wartime specialties.

6 (5) Section 302h(a)(1), relating to accession
7 bonus for dental officers.

8 (6) Section 302j(a), relating to accession bonus
9 for pharmacy officers.

10 (7) Section 302k(f), relating to accession bonus
11 for medical officers in critically short wartime spe-
12 cialties.

13 (8) Section 302l(g), relating to accession bonus
14 for dental specialist officers in critically short war-
15 time specialties.

16 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
17 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
18 **CERS.**

19 The following sections of title 37, United States
20 Code, are amended by striking “December 31, 2010” and
21 inserting “December 31, 2011”:

22 (1) Section 312(f), relating to special pay for
23 nuclear-qualified officers extending period of active
24 service.

1 (2) Section 312b(c), relating to nuclear career
2 accession bonus.

3 (3) Section 312c(d), relating to nuclear career
4 annual incentive bonus.

5 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
6 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
7 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
8 **TIES.**

9 The following sections of title 37, United States
10 Code, are amended by striking “December 31, 2010” and
11 inserting “December 31, 2011”:

12 (1) Section 331(h), relating to general bonus
13 authority for enlisted members.

14 (2) Section 332(g), relating to general bonus
15 authority for officers.

16 (3) Section 333(i), relating to special bonus and
17 incentive pay authorities for nuclear officers.

18 (4) Section 334(i), relating to special aviation
19 incentive pay and bonus authorities for officers.

20 (5) Section 335(k), relating to special bonus
21 and incentive pay authorities for officers in health
22 professions.

23 (6) Section 351(i), relating to hazardous duty
24 pay.

1 (7) Section 352(g), relating to assignment pay
2 or special duty pay.

3 (8) Section 353(j), relating to skill incentive
4 pay or proficiency bonus.

5 (9) Section 355(i), relating to retention incen-
6 tives for members qualified in critical military skills
7 or assigned to high priority units.

8 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
10 **NUSES AND SPECIAL PAYS.**

11 The following sections of chapter 5 of title 37, United
12 States Code, are amended by striking “December 31,
13 2010” and inserting “December 31, 2011”:

14 (1) Section 301b(a), relating to aviation officer
15 retention bonus.

16 (2) Section 307a(g), relating to assignment in-
17 centive pay.

18 (3) Section 308(g), relating to reenlistment
19 bonus for active members.

20 (4) Section 309(e), relating to enlistment
21 bonus.

22 (5) Section 324(g), relating to accession bonus
23 for new officers in critical skills.

1 (6) Section 326(g), relating to incentive bonus
2 for conversion to military occupational specialty to
3 ease personnel shortage.

4 (7) Section 327(h), relating to incentive bonus
5 for transfer between armed forces.

6 (8) Section 330(f), relating to accession bonus
7 for officer candidates.

8 **SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO PAYMENT OF REFERRAL BONUSES.**

10 The following sections of title 10, United States
11 Code, are amended by striking “December 31, 2010” and
12 inserting “December 31, 2011”:

13 (1) Section 1030(i), relating to health profes-
14 sions referral bonus.

15 (2) Section 3252(h), relating to Army referral
16 bonus.

17 **SEC. 617. TREATMENT OF OFFICERS TRANSFERRING BE-**
18 **TWEEN ARMED FORCES FOR RECEIPT OF**
19 **AVIATION CAREER SPECIAL PAY.**

20 Section 301b of title 37, United States Code, is
21 amended—

22 (1) by redesignating subsections (h), (i), and (j)
23 as subsections (i), (j), and (k), respectively; and

24 (2) by inserting after subsection (g) the fol-
25 lowing new subsection (h):

1 “(h) TREATMENT OF OFFICERS TRANSFERRING
2 FROM ONE ARMED FORCE TO ANOTHER.—(1) An officer
3 who transfers from one armed force to another armed
4 force shall receive the same compensation under this sec-
5 tion as other officers in that armed force with the same
6 number of years of aviation service performing similar
7 aviation duties in the same weapon system, notwith-
8 standing any additional active duty service obligation in-
9 curred as a result of the transfer.

10 “(2) Until December 31, 2015, the Secretary con-
11 cerned shall continue, regardless of the number of years
12 of aviation service of an officer, to pay compensation
13 under this section to an officer who transferred or trans-
14 fers from one armed force to an armed force under the
15 jurisdiction of the Secretary concerned until the officer re-
16 ceives the same number of years of benefits as officers
17 in that armed force with the same number of years of avia-
18 tion service performing similar aviation duties in the same
19 weapon system. In calculating the years of benefits re-
20 ceived, the Secretary concerned shall include any year dur-
21 ing which the officer received compensation under this sec-
22 tion before the transfer.

23 “(3) An officer may not receive compensation under
24 paragraph (2) for any period during which the officer is
25 not qualified for compensation under subsection (b).”.

1 **SEC. 618. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY**
2 **FOR DUTY SUBJECT TO HOSTILE FIRE OR IM-**
3 **MINENT DANGER OR FOR DUTY IN FOREIGN**
4 **AREA DESIGNATED AS AN IMMINENT DAN-**
5 **GER AREA.**

6 (a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE
7 FIRE OR IMMINENT DANGER.—Section 310(b)(1) of title
8 37, United States Code, is amended by striking “\$225 a
9 month” and inserting “\$260 a month”.

10 (b) HAZARDOUS DUTY PAY.—Section 351(b)(3) of
11 such title is amended by striking “\$250 per month” and
12 inserting “\$260 per month”.

13 (c) APPLICATION OF AMENDMENTS.—The amend-
14 ments made by this section shall take effect on October
15 1, 2010, and apply with respect to months beginning on
16 or after that date.

17 **SEC. 619. SPECIAL PAYMENT TO MEMBERS OF THE ARMED**
18 **FORCES AND CIVILIAN EMPLOYEES OF THE**
19 **DEPARTMENT OF DEFENSE KILLED OR**
20 **WOUNDED IN ATTACKS DIRECTED AT MEM-**
21 **BERS OR EMPLOYEES OUTSIDE OF COMBAT**
22 **ZONE, INCLUDING THOSE KILLED OR**
23 **WOUNDED IN CERTAIN 2009 ATTACKS.**

24 (a) TREATMENT OF MEMBERS AND CIVILIANS
25 KILLED OR WOUNDED IN CERTAIN 2009 ATTACKS.—

1 (1) TREATMENT.—For purposes of all applica-
2 ble Federal laws, regulations, and policies, a member
3 of the Armed Forces or civilian employee of the De-
4 partment of Defense who was killed or wounded in
5 an attack described in paragraph (2) shall be
6 deemed as follows:

7 (A) In the case of a member, to have been
8 killed or wounded in a combat zone as the re-
9 sult of an act of an enemy of the United States.

10 (B) In the case of a civilian employee of
11 the Department of Defense, to have been killed
12 or wounded as the result of an act of an enemy
13 of the United States while serving with the
14 Armed Forces in a contingency operation.

15 (2) ATTACKS DESCRIBED.—Paragraph (1) ap-
16 plies to—

17 (A) the attack that occurred at Fort Hood,
18 Texas, on November 5, 2009; and

19 (B) the attack that occurred at a recruit-
20 ing station in Little Rock, Arkansas, on June
21 1, 2009.

22 (3) EXCEPTION.—Paragraph (1) shall not
23 apply to a member of the Armed Forces or a civilian
24 employee of the Department of Defense whose death
25 or wound as described in paragraph (1) is the result

1 of the misconduct of the member or employee, as de-
2 termined by the Secretary of Defense.

3 (b) NEW SPECIAL PAYMENT.—

4 (1) IN GENERAL.—Chapter 17 of title 37,
5 United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 911. Special payment to members of the armed**
8 **forces and civilian employees of the De-**
9 **partment of Defense killed or wounded in**
10 **attacks directed at members or employ-**
11 **ees outside of combat zone**

12 “(a) SPECIAL PAYMENT REQUIRED.—The Secretary
13 of Defense shall pay to a member of the armed forces or
14 a civilian employee of the Department of Defense who is
15 wounded in an attack under the circumstances described
16 in subsection (b), or to an eligible survivor if the member
17 or employee is killed in the attack or dies from wounds
18 sustained in the attack, an amount of compensation equal
19 to the amount determined in subsection (c) that would
20 have accrued—

21 “(1) in the case of a member, on behalf of a
22 member killed or wounded in a combat zone; and

23 “(2) in the case of an employee, on behalf of an
24 employee killed or wounded while serving with the
25 Armed Forces in a contingency operation.

1 “(b) COVERED ATTACKS.—

2 “(1) ATTACKS DESCRIBED.—Except as pro-
3 vided in paragraph (2), an attack covered by sub-
4 section (a) is any assault or battery resulting in bod-
5 ily injury or death committed by an individual who
6 the Secretary of Defense determines knowingly tar-
7 geted—

8 “(A) a member of the armed forces on ac-
9 count of the military service of the member or
10 the status of member as a member of the
11 Armed Forces; or

12 “(B) a civilian employee of the Depart-
13 ment of Defense on account of the employee’s
14 employment with the Department of Defense or
15 affiliation with the Department of Defense.

16 “(2) GEOGRAPHIC EXCLUSION.—Subsection (a)
17 does not apply to any attack that—

18 “(A) occurs in a combat zone; or

19 “(B) in the case of a civilian employee of
20 the Department, occurs while the employee is
21 serving with the armed forces in a contingency
22 operation.

23 “(c) CALCULATION OF COMPENSATION AMOUNT.—

24 The Secretary of Defense shall identify, in consultation
25 with all relevant Federal agencies, including the Depart-

1 ment of Veterans Affairs and the Internal Revenue Serv-
2 ice, all Federal benefits provided to members of the armed
3 forces and civilian employees of the Department of De-
4 fense killed or wounded in a combat zone, including special
5 pays and the value of Federal tax advantages accruing be-
6 cause certain benefits are not subject to Federal income
7 tax. The Secretary shall exclude from the calculation any
8 Federal benefits provided regardless of the geographic lo-
9 cation or circumstances of the death or injuries.

10 “(d) EXCLUSION OF CERTAIN INDIVIDUALS.—Sub-
11 section (a) shall not apply to a member of the armed
12 forces or civilian employee of the Department of Defense
13 whose death or wound as described in subsection (b) is
14 the result of the misconduct of the member or employee,
15 as determined by the Secretary of Defense.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘armed forces’ means the Army,
18 Navy, Air Force, and Marine Corps.

19 “(2) The term ‘combat zone’ means a combat
20 operation or combat zone designated by the Sec-
21 retary of Defense.

22 “(3) The term ‘eligible survivor’ refers to the
23 persons eligible to receive a death gratuity payment
24 under section 1477 of title 10. In the case of a de-
25 ceased member or employee, the eligible survivor

1 who will receive the payment under subsection (a)
2 shall be determined as provided in such section.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by adding at the end the following new item:

“911. Special payment to members of the armed forces and civilian employees
of the Department of Defense killed or wounded in attacks di-
rected at members or employees outside of combat zone.”.

6 (3) RETROACTIVE APPLICATION.—Section 911
7 of title 37, United States Code, as added by para-
8 graph (1), shall apply to any attack described in
9 subsection (b) of such section occurring on or after
10 November 6, 2009.

11 (c) PURPLE HEART.—This section and the amend-
12 ments made by this section shall not be construed to pro-
13 hibit, authorize, or require the award of the Purple Heart
14 to any member of the Armed Forces.

15 **Subtitle C—Travel and** 16 **Transportation Allowances**

17 **SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL**
18 **AND TRANSPORTATION ALLOWANCES FOR**
19 **INACTIVE DUTY TRAINING OUTSIDE OF NOR-**
20 **MAL COMMUTING DISTANCES.**

21 Section 408a(e) of title 37, United States Code, is
22 amended by striking “December 31, 2010” and inserting
23 “December 31, 2011”.

1 **SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES**
2 **FOR ATTENDANCE OF DESIGNATED PERSONS**
3 **AT YELLOW RIBBON REINTEGRATION**
4 **EVENTS.**

5 (a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

6 (1) IN GENERAL.—Chapter 7 of title 37, United
7 States Code, is amended by inserting after section
8 411k the following new section:

9 **“§ 411l. Travel and transportation allowances: attend-**
10 **ance of designated persons at Yellow Rib-**
11 **bon Reintegration events**

12 “(a) ALLOWANCE TO FACILITATE ATTENDANCE.—
13 Under uniform regulations prescribed by the Secretaries
14 concerned, travel and transportation described in sub-
15 section (c) may be provided for a person designated pursu-
16 ant to subsection (b) to attend an event conducted under
17 the Yellow Ribbon Reintegration Program established pur-
18 suant to section 582 of the National Defense Authoriza-
19 tion Act for Fiscal Year 2008 (Public Law 110–181; 10
20 U.S.C. 10101 note) if the Secretary concerned determines
21 that the presence of the person may contribute to the pur-
22 poses of the event.

23 “(b) COVERED PERSONS.—A member of the uni-
24 formed services who is eligible to attend a Yellow Ribbon
25 Reintegration Program event may designate one or more
26 persons, including another member of the uniformed serv-

1 ices, for purposes of receiving travel and transportation
2 described in subsection (c) to attend a Yellow Ribbon Re-
3 integration Program event. The designation of a person
4 for purposes of this section may be changed at any time.

5 “(c) AUTHORIZED TRAVEL AND TRANSPOR-
6 TATION.—(1) The transportation authorized by subsection
7 (a) for a person designated under subsection (b) is round-
8 trip transportation between the home or place of business
9 of the person and the location of the Yellow Ribbon Re-
10 integration Program event.

11 “(2) In addition to the transportation authorized by
12 subsection (a), the Secretary concerned may provide a per
13 diem allowance or reimbursement for the actual and nec-
14 essary expenses of the travel, or a combination thereof,
15 but not to exceed the rates established under section
16 404(d) of this title.

17 “(3) The transportation authorized by subsection (a)
18 may be provided by any of the following means:

19 “(A) Transportation in-kind.

20 “(B) A monetary allowance in place of trans-
21 portation in-kind at a rate to be prescribed by the
22 Secretaries concerned.

23 “(C) Reimbursement for the commercial cost of
24 transportation.

1 “(4) An allowance payable under this subsection may
2 be paid in advance.

3 “(5) Reimbursement payable under this subsection
4 may not exceed the cost of Government-procured commer-
5 cial round-trip air travel.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by inserting after the item related to section 411k
9 the following new item:

“411l. Travel and transportation allowances: attendance of designated persons
at Yellow Ribbon Reintegration events.”.

10 (b) APPLICABILITY.—No reimbursement may be pro-
11 vided under section 411l of title 37, United States Code,
12 as added by subsection (a), for travel and transportation
13 costs incurred before September 30, 2010.

14 **SEC. 633. MILEAGE REIMBURSEMENT FOR USE OF PRI-**
15 **VATELY OWNED VEHICLES.**

16 (a) USE OF SINGLE STANDARD MILEAGE RATE ES-
17 TABLISHED BY IRS.—Section 5704(a)(1) of title 5,
18 United States Code, is amended by striking “shall not ex-
19 ceed” and inserting “shall be equal to”.

20 (b) PRESCRIPTION OF MILEAGE REIMBURSEMENT
21 RATES.—Section 5707(b) of such title is amended—

22 (1) in paragraph (1), by striking subparagraph
23 (A) and inserting the following new subparagraph:

1 “(A) The Administrator of General Services
2 shall conduct periodic investigations of the cost of
3 travel and the operation of privately owned airplanes
4 and privately owned motorcycles by employees while
5 engaged on official business, and shall report the re-
6 sults of such investigations to Congress at least once
7 a year.”; and

8 (2) in paragraph (2)(A), by striking clause (i)
9 and inserting the following new clause:

10 “(i) shall prescribe a mileage reimburse-
11 ment rate for privately owned automobiles
12 which equals, as provided in section 5704(a)(1)
13 of this title, the single standard mileage rate es-
14 tablished by the Internal Revenue Service,
15 and”.

16 **Subtitle D—Retired Pay and** 17 **Survivor Benefits**

18 **SEC. 641. ELIMINATION OF CAP ON RETIRED PAY MULTI-**
19 **PLIER FOR MEMBERS WITH GREATER THAN**
20 **30 YEARS OF SERVICE WHO RETIRE FOR DIS-**
21 **ABILITY.**

22 (a) COMPUTATION OF RETIRED PAY.—The table in
23 section 1401(a) of title 10, United States Code, is amend-
24 ed—

1 (1) in the column designated “Column 2”, by
2 inserting “, not to exceed 75%,” after “percentage
3 of disability” both places it appears; and

4 (2) by striking column 4.

5 (b) RECOMPUTATION OF RETIRED OR RETAINER PAY
6 TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO
7 FIRST BECAME MEMBERS BEFORE SEPTEMBER 8,
8 1980.—The table in section 1402(d) of such title is
9 amended—

10 (1) in the column designated “Column 2”, by
11 inserting “, not to exceed 75%,” after “percentage
12 of disability”; and

13 (2) by striking column 4.

14 (c) RECOMPUTATION OF RETIRED OR RETAINER PAY
15 TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO
16 FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—
17 The table in section 1402a(d) of such title is amended—

18 (1) in the column designated “Column 2”, by
19 inserting “, not to exceed 75 percent,” after “per-
20 centage of disability”; and

21 (2) by striking column 4.

22 (d) APPLICATION OF AMENDMENTS.—The tables in
23 sections 1401(a), 1402(d), and 1402a(d) of title 10,
24 United States Code, as in effect on the day before the date
25 of the enactment of this Act, shall continue to apply to

1 the computation or recomputation of retired or retainer
2 pay for persons who first became entitled to retired or re-
3 tainer pay under subtitle A of such title on or before the
4 date of the enactment of this Act. The amendments made
5 by this section shall apply only with respect to persons
6 who first become entitled to retired or retainer pay under
7 such subtitle after that date.

8 **SEC. 642. EQUITY IN COMPUTATION OF DISABILITY RE-**
9 **TIRED PAY FOR RESERVE COMPONENT MEM-**
10 **BERS WOUNDED IN ACTION.**

11 Section 1208(b) of title 10, United States Code, is
12 amended by adding at the end the following new sentence:
13 “However, in the case of such a member who is retired
14 under this chapter, or whose name is placed on the tem-
15 porary disability retired list under this chapter, because
16 of a disability incurred after the date of the enactment
17 of the National Defense Authorization Act for Fiscal Year
18 2011, for which the member is awarded the Purple Heart,
19 the member shall be credited, for the purposes of this
20 chapter, with the number of years of service that would
21 be counted if computing the member’s years of service
22 under section 12732 of this title.”.

1 **SEC. 643. ELIMINATION OF THE AGE REQUIREMENT FOR**
2 **HEALTH CARE BENEFITS FOR NON-REGULAR**
3 **SERVICE RETIREES.**

4 Section 1074(b) of title 10, United States Code, is
5 amended—

6 (1) by striking “(1)”; and

7 (2) by striking paragraph (2).

8 **SEC. 644. CLARIFICATION OF EFFECT OF ORDERING RE-**
9 **SERVE COMPONENT MEMBER TO ACTIVE**
10 **DUTY TO RECEIVE AUTHORIZED MEDICAL**
11 **CARE ON REDUCING ELIGIBILITY AGE FOR**
12 **RECEIPT OF NON-REGULAR SERVICE RE-**
13 **TIRED PAY.**

14 Section 12731(f)(2)(B) of title 10, United States
15 Code, is amended by adding at the end the following new
16 clause:

17 “(iii) If a member described in subparagraph (A) is
18 wounded or otherwise injured or becomes ill while serving
19 on active duty pursuant to a call or order to active duty
20 under a provision of law referred to in the first sentence
21 of clause (i) or in clause (ii), and the member is then or-
22 dered to active duty under section 12301(h)(1) of this title
23 to receive medical care for the wound injury, or illness,
24 each day of active duty under that order for medical care
25 shall be treated as a continuation of the original call or

1 order to active duty for purposes of reducing the eligibility
2 age of the member under this paragraph.”.

3 **SEC. 645. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR**
4 **RECIPIENTS OF PRE-SURVIVOR BENEFIT**
5 **PLAN ANNUITY AFFECTED BY REQUIRED**
6 **OFFSET FOR DEPENDENCY AND INDEMNITY**
7 **COMPENSATION.**

8 Section 644 of the National Defense Authorization
9 Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.
10 1448 note) is amended—

11 (1) by redesignating subsections (c), (d), and
12 (e) as subsections (d), (e), and (f), respectively; and

13 (2) by inserting after subsection (b) the fol-
14 lowing new subsection:

15 “(c) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—

16 (1) The Secretary concerned shall pay a monthly special
17 survivor indemnity allowance under this subsection to a
18 qualified surviving spouse described in subsection (a) if—

19 “(A) the surviving spouse is entitled to depend-
20 ency and indemnity compensation under section
21 1311(a) of title 38, United States Code; and

22 “(B) the amount of the annuity to which the
23 surviving spouse is entitled under subsection (b) is
24 affected by paragraph (2)(A) of such subsection.

1 “(2) Subject to paragraph (3), the amount of the spe-
2 cial survivor indemnity allowance paid to surviving spouse
3 under paragraph (1) for a month shall be equal to—

4 “(A) for months during fiscal year 2009, \$50;

5 “(B) for months during fiscal year 2010, \$60;

6 “(C) for months during fiscal year 2011, \$70;

7 “(D) for months during fiscal year 2012, \$80;

8 “(E) for months during fiscal year 2013, \$90;

9 “(F) for months during fiscal year 2014, \$150;

10 “(G) for months during fiscal year 2015, \$200;

11 “(H) for months during fiscal year 2016, \$275;

12 and

13 “(I) for months during fiscal year 2017, \$310.

14 “(3) The amount of the special survivor indemnity
15 allowance paid to an eligible survivor under paragraph (1)
16 for any month may not exceed the amount of the annuity
17 for that month that is subject to offset under subsection
18 (b)(2)(A).

19 “(4) A special survivor indemnity allowance paid
20 under paragraph (1) does not constitute an annuity, and
21 amounts so paid are not subject to adjustment under any
22 other provision of law.

23 “(5) The special survivor indemnity allowance shall
24 be paid under paragraph (1) from amounts in the Depart-

1 ment of Defense Military Retirement Fund established
2 under section 1461 of title 10, United States Code.

3 “(6) Subject to paragraph (7), this subsection shall
4 only apply with respect to the month that began on Octo-
5 ber 1, 2008, and subsequent months through the month
6 ending on September 30, 2017. As soon as practicable
7 after the date of the enactment of the National Defense
8 Authorization Act for Fiscal Year 2011, the Secretary
9 concerned shall pay, in a lump sum, the total amount of
10 the special survivor indemnity allowances due under para-
11 graph (1) to a qualified surviving spouse for months since
12 October 1, 2008, through the month in which the first
13 allowance is paid under paragraph (1) to the qualified sur-
14 viving spouse.

15 “(7) Effective on October 1, 2017, the authority pro-
16 vided by this subsection shall terminate. No special sur-
17 vivor indemnity allowance may be paid to any person by
18 reason of this subsection for any period before October
19 1, 2008, or beginning on or after October 1, 2017.”.

20 **SEC. 646. PAYMENT DATE FOR RETIRED AND RETAINER**
21 **PAY.**

22 (a) **SETTING PAYMENT DATE.**—Section 1412 of title
23 10, United States Code, is amended—

24 (1) by striking “Amounts” and inserting “(a)
25 **ROUNDING.**—Amounts”; and

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

3 “(b) PAYMENT DATE.—Amounts of retired pay and
4 retainer pay due a retired member of the uniformed serv-
5 ices shall be paid on the first day of each month beginning
6 after the month in which the right to such pay accrues.”.

7 (b) CLERICAL AMENDMENTS.—

8 (1) SECTION HEADING.—The heading of such
9 section is amended to read as follows:

10 “§ 1412. **Administrative provisions**”.

11 (2) TABLE OF SECTIONS.—The table of sections
12 at the beginning of chapter 71 of such title is
13 amended by striking the item relating to section
14 1412 and inserting the following new item:

“1412. Administrative provisions.”.

15 (c) EFFECTIVE DATE.—Subsection (b) of section
16 1412 of title 10, United States Code, as added by sub-
17 section (a), shall apply beginning with the first month that
18 begins more than 30 days after the date of the enactment
19 of this Act.

20 **SEC. 647. SENSE OF CONGRESS CONCERNING AGE AND**
21 **SERVICE REQUIREMENTS FOR RETIRED PAY**
22 **FOR NON-REGULAR SERVICE.**

23 It is the sense of Congress that—

24 (1) the amendments made to section 12731 of
25 title 10, United States Code, by section 647 of the

1 National Defense Authorization Act for Fiscal Year
2 2008 (Public Law 110–181; 122 Stat. 160) were in-
3 tended to reduce the minimum age at which mem-
4 bers of a reserve component of the Armed Forces
5 would begin receiving retired pay according to time
6 spent deployed, by three months for every 90-day pe-
7 riod spent on active duty over the course of a career,
8 rather than limiting qualifying time to such periods
9 wholly served within the same fiscal year, as inter-
10 preted by the Department of Defense; and

11 (2) steps should be taken to correct this erro-
12 neous interpretation by the Department of Defense
13 in order to ensure reserve component members re-
14 ceive the full retirement benefits intended to be pro-
15 vided by such section 12731.

16 **Subtitle E—Commissary and Non-**
17 **appropriated Fund Instrumen-**
18 **tality Benefits and Operations**

19 **SEC. 651. SHARED CONSTRUCTION COSTS FOR SHOPPING**
20 **MALLS OR SIMILAR FACILITIES CONTAINING**
21 **A COMMISSARY STORE AND ONE OR MORE**
22 **NONAPPROPRIATED FUND INSTRUMEN-**
23 **TALITY ACTIVITIES.**

24 Section 2484(h)(2) of title 10, United States Code,
25 is amended—

1 (1) by redesignating subparagraph (B) as sub-
2 paragraph (C) and, in such subparagraph, by strik-
3 ing “subparagraph (A)” and inserting “this para-
4 graph”;

5 (2) in the first sentence of subparagraph (A),
6 by inserting “the Defense Commissary Agency or”
7 after “may authorize”;

8 (3) by designating the second sentence of sub-
9 paragraph (A) as subparagraph (B) and, in such
10 subparagraph, by striking “The Secretary may” and
11 inserting the following: “If the construction contract
12 is entered into by a nonappropriated fund instru-
13 mentality, the Secretary of Defense may”; and

14 (4) by adding at the end of subparagraph (B),
15 as designated by paragraph (3), the following new
16 sentence: “If the construction contract is entered
17 into by the Defense Commissary Agency, the Sec-
18 retary may authorize the Defense Commissary Agen-
19 cy accept reimbursement from a nonappropriated
20 fund instrumentality for the portion of the cost of
21 the contract that is attributable to construction for
22 nonappropriated fund instrumentality activities.”.

1 **SEC. 652. ADDITION OF DEFINITION OF MORALE, WELFARE,**
2 **AND RECREATION TELEPHONE SERVICES**
3 **FOR USE IN CONTRACTS TO PROVIDE SUCH**
4 **SERVICES FOR MILITARY PERSONNEL SERV-**
5 **ING IN COMBAT ZONES.**

6 Section 885 of the National Defense Authorization
7 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
8 265; 10 U.S.C. 2304 note) is amended by adding at the
9 end the following new subsection:

10 “(c) MORALE, WELFARE, AND RECREATION TELE-
11 PHONE SERVICES DEFINED.—In this section, the term
12 ‘morale, welfare, and recreation telephone services’ means
13 unofficial telephone calling center services supporting call-
14 ing centers provided by the Army and Air Force Exchange
15 Service, Navy Exchange Service Command, Marine Corps
16 exchanges, or any other nonappropriated fund instrumen-
17 tality of the United States under the jurisdiction of the
18 Armed Forces which is conducted for the comfort, pleas-
19 ure, contentment, or physical or mental improvement of
20 members of the Armed Forces.”.

21 **SEC. 653. FEASIBILITY STUDY ON ESTABLISHMENT OF**
22 **FULL EXCHANGE STORE IN THE NORTHERN**
23 **MARIANA ISLANDS.**

24 (a) STUDY REQUIRED.—The Secretary of Defense
25 shall conduct a study to determine the feasibility of replac-
26 ing the “Shoppette” of the Army and Air Force Exchange

1 Service in the Northern Mariana Islands with a full-serv-
2 ice exchange store. In conducting the study, the Secretary
3 shall consider the welfare of members of the Armed Forces
4 serving in the Northern Mariana Islands and dependents
5 of members residing in the Northern Mariana Islands.

6 (b) SUBMISSION OF RESULTS.—Not later than 180
7 days after the date of the enactment of this Act, the Sec-
8 retary of Defense shall submit to Congress a report con-
9 taining the results of the study conducted under sub-
10 section (a).

11 **SEC. 654. CONTINUED OPERATION OF COMMISSARY AND**
12 **EXCHANGE STORES SERVING BRUNSWICK**
13 **NAVAL AIR STATION, MAINE.**

14 The Secretary of Defense shall provide for the contin-
15 ued operation of each commissary or exchange store serv-
16 ing Brunswick Naval Air Station, Maine, through Sep-
17 tember 30, 2011, and may not take any action to reduce
18 or to terminate the sale of goods at such stores during
19 fiscal year 2011.

1 **Subtitle F—Alternative Career**
2 **Track Pilot Program**

3 **SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE**
4 **CAREER TRACK FOR COMMISSIONED OFFI-**
5 **CERS TO FACILITATE AN INCREASED COM-**
6 **MITMENT TO ACADEMIC AND PROFESSIONAL**
7 **EDUCATION AND CAREER-BROADENING AS-**
8 **SIGNMENTS.**

9 (a) PROGRAM AUTHORIZED.—Chapter 39 of title 10,
10 United States Code, is amended by inserting after section
11 672 the following new section:

12 **“§ 673. Alternative career track for commissioned of-**
13 **ficers pilot program**

14 “(a) PROGRAM AUTHORIZED.—(1) Under regulations
15 prescribed pursuant to subsection (g) and approved by the
16 Secretary of Defense, the Secretary of a military depart-
17 ment may establish a pilot program for an armed force
18 under the jurisdiction of the Secretary under which an eli-
19 gible commissioned officer, while on active duty—

20 “(A) participates in a separate career track
21 characterized by expanded career opportunities ex-
22 tending over a longer career;

23 “(B) agrees to an additional active duty service
24 obligation of at least five years to be served concur-
25 rently with other active duty service obligations; and

1 “(C) would be required to accept further active
2 duty service obligations, as determined by the Sec-
3 retary, to be served concurrently with other active
4 duty service obligations, including the active duty
5 service obligation accepted under subparagraph (B),
6 in connection with the officer’s entry into education
7 programs, selection for career broadening assign-
8 ments, acceptance of additional special and incentive
9 pays, or selection for promotion.

10 “(2) The Secretary of the military department con-
11 cerned may waive an active duty service obligation accept-
12 ed under subparagraph (B) or (C) of paragraph (1) to
13 facilitate the separation or retirement of a participant in
14 the program.

15 “(3) The program shall be known as the ‘Alternative
16 Career Track Pilot Program’ (in this section referred to
17 as the ‘program’).

18 “(b) ELIGIBLE OFFICERS.—Commissioned officers
19 with between 13 and 18 years of service are eligible to
20 volunteer to participate in the program.

21 “(c) NUMBER OF PARTICIPANTS.—No more than 50
22 officers of each armed force may be selected per year to
23 participate in the program.

24 “(d) ALTERNATIVE CAREER ELEMENTS OF PRO-
25 GRAM.—(1) The Secretaries of the military departments

1 may establish separate basic pay and special and incentive
2 pay and promotion systems unique to the officers partici-
3 pating in the program, without regard to the requirements
4 of this title, title 37, or administrative year group cohort
5 designation.

6 “(2) The Secretaries of the military departments may
7 establish separation and retirement policies for officers
8 participating in the program without regard to grade and
9 years of service requirements established under this title.

10 “(3) Participants serving in a grade below brigadier
11 general or rear admiral (lower half) may serve in the grade
12 without regard to the limits on the number of officers in
13 the grade established under this title.

14 “(e) TREATMENT OF GENERAL AND FLAG OFFICER
15 PARTICIPANTS.—(1) A participant serving in a grade
16 above colonel, or captain in the Navy, but below lieutenant
17 general or vice admiral, shall be—

18 “(A) counted for purposes of general officer
19 and flag officer limits on grade and the total number
20 serving as general officers and flag officers, if the
21 participant is serving in a position requiring the as-
22 signment of a military officer; but

23 “(B) excluded from limits on grade and the
24 total number serving as general officers and flag of-

1 ficers, if the participant is serving in a position not
2 typically occupied by a military officer.

3 “(2) A participant serving in the grade of lieutenant
4 general, vice admiral, general, or admiral shall be counted
5 for purposes of general officer and flag officer limits on
6 grade and the total number serving as general officers and
7 flag officers.

8 “(f) RETURN TO STANDARD CAREER PATH; EF-
9 FECT.—(1) The Secretaries of the military departments
10 retain the authority to involuntarily return an officer to
11 the standard career path.

12 “(2) The Secretary of the military department con-
13 cerned may return an officer to the standard career path
14 at the request of the officer.

15 “(3) If the program is terminated pursuant to para-
16 graph (4) or (5) of subsection (i), officers participating
17 in the program at the time of the termination shall be
18 returned to the standard career path with appropriate ad-
19 justments to their administrative record to ensure they are
20 not penalized for participating in the pilot program.

21 “(4) An officer returned to the standard career path
22 under paragraph (1), (2), or (3) shall retain the grade,
23 date-of-rank, and basic pay level earned while a partici-
24 pant in the program but shall revert to the special and
25 incentive pay authorities established in title 37 upon the

1 expiration of the agreement between the Secretary and the
2 officer providing any special and incentive pays under the
3 program. Subsequent increases in the officer's rate of
4 monthly basic pay shall conform to the annual percentage
5 increases in basic pay rates provided in the basic pay
6 table.

7 “(5) Services will adjust the participating officer's co-
8 hort year group to the appropriate year to ensure the offi-
9 cer remains competitive for all promotions and command
10 opportunities in their standard career path.

11 “(g) ANNUAL REPORT.—(1) The Secretaries of the
12 military departments, in cooperation with the Secretary of
13 Defense, shall submit to the Committees on Armed Serv-
14 ices of the Senate and House of Representatives an annual
15 report containing the findings and recommendations of the
16 Secretary of Defense and the Secretaries of the military
17 departments concerning the progress of the program for
18 each armed force.

19 “(2) The Secretary of a military department, with the
20 consent of the Secretary of Defense, may include in the
21 report for a year a recommendation that the program be
22 made permanent for an armed force under the jurisdiction
23 of that Secretary.

24 “(h) REGULATIONS.—The Secretary of each military
25 department shall prescribe regulations to carry out the

1 program. The regulations shall be subject to the approval
2 of the Secretary of Defense.

3 “(i) COMMENCEMENT; DURATION.—(1) Before au-
4 thorizing the commencement of the program for an armed
5 force, the Secretary of the military department concerned,
6 with the consent of the Secretary of Defense, shall submit
7 to the Committees on Armed Services of the Senate and
8 House of Representatives a report containing the detailed
9 program structure of the alternative career track, associ-
10 ated personnel and compensation policies, implementing
11 instructions and regulations, and a summary of the spe-
12 cific provisions of this title and title 37 to be waived under
13 the program. The authority to conduct the program for
14 that armed force commences 120 days after the date of
15 the submission of the report.

16 “(2) The Secretary of the military department con-
17 cerned, with the consent of the Secretary of Defense, may
18 authorize revision of the program structure, associated
19 personnel and compensation policies, implementing in-
20 structions and regulations, or laws waived, as submitted
21 by the Secretary under paragraph (1). The Secretary of
22 the military department concerned, with the consent of the
23 Secretary of Defense, shall submit the proposed revisions
24 to the Committees on Armed Services of the Senate and

1 House of Representatives. The revisions shall take effect
2 120 days after the date of their submission.

3 “(3) If the program for an armed force has not com-
4 menced before December 31, 2015, as provided in para-
5 graph (1), the authority to commence the program for
6 that armed force terminates.

7 “(4) No officer may be accepted to participate in the
8 program after December 31, 2026.

9 “(5) The Secretary of the military department con-
10 cerned, with the consent of the Secretary of Defense, may
11 terminate the pilot program for an armed force before the
12 date specified in paragraph (4). Not later than 90 days
13 after terminating the pilot program, the Secretary of the
14 military department concerned, in cooperation with the
15 Secretary of Defense, shall submit to the Committees on
16 Armed Services of the Senate and House of Representa-
17 tives a report containing the reasons for the termination.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 672 the following new
21 item:

“673. Alternative career track for commissioned officers pilot program.”.

1 **Subtitle G—Other Matters**

2 **SEC. 671. PARTICIPATION OF MEMBERS OF THE ARMED**
3 **FORCES HEALTH PROFESSIONS SCHOLAR-**
4 **SHIP AND FINANCIAL ASSISTANCE PROGRAM**
5 **IN ACTIVE DUTY HEALTH PROFESSION LOAN**
6 **REPAYMENT PROGRAM.**

7 Section 2173(c) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(4) The person is enrolled in the Armed
11 Forces Health Professions Scholarship and Finan-
12 cial Assistance program under subchapter I of chap-
13 ter 105 of this title for a number of years less than
14 the number of years required to complete the normal
15 length of the course of study required for the spe-
16 cific health profession.”.

17 **SEC. 672. RETENTION OF ENLISTMENT, REENLISTMENT,**
18 **AND STUDENT LOAN BENEFITS RECEIVED BY**
19 **MILITARY TECHNICIANS (DUAL STATUS).**

20 (a) TREATMENT OF ENLISTMENT, REENLISTMENT,
21 AND STUDENT LOAN BENEFITS.—Section 10216 of title
22 10, United States Code, is amended by adding at the end
23 the following new subsection:

24 “(h) RETENTION OF BONUSES AND OTHER BENE-
25 FITS.—If an individual is first employed as a military

1 technician (dual status) while the individual is already a
2 member of a reserve component, the Secretary concerned
3 may not—

4 “(1) require the individual to repay any enlist-
5 ment, reenlistment, or affiliation bonus provided to
6 the individual in connection with the individual’s en-
7 listment or reenlistment before such employment; or
8 “(2) terminate the individual’s participation in
9 an educational loan repayment program under chap-
10 ter 1609 of this title if the individual began such
11 participation before such employment.”.

12 (b) EFFECTIVE DATE.—Subsection (h) of section
13 10216 of title 10, United States Code, as added by sub-
14 section (a), shall apply only with respect to individuals who
15 are first employed as a military technician (dual status),
16 as described in subsection (a)(1) of such section 10216,
17 more than 180 days after the date of the enactment of
18 this Act.

19 **SEC. 673. CANCELLATION OF LOANS OF MEMBERS OF THE**
20 **ARMED FORCES MADE FROM STUDENT LOAN**
21 **FUNDS.**

22 Section 465(a) of the Higher Education Act of 1965
23 (20 U.S.C. 1087ee(a)) is amended by adding at the end
24 the following new paragraph:

1 “(8) For the purpose of this subsection, the
2 term ‘year of service’ where applied to service by a
3 member of the Armed Forces described in paragraph
4 (2)(D) means a qualified tour of duty that—

5 “(A) is for 6 months or longer; or

6 “(B) was less than 6 months because the
7 member was discharged or released from active
8 duty in the Armed Forces for an injury or dis-
9 ability incurred in or aggravated by service in
10 the Armed Forces.”.

11 **SEC. 674. REPORT ON PROVISION OF ADDITIONAL INCEN-**
12 **TIVES FOR RECRUITMENT AND RETENTION**
13 **OF HEALTH CARE PROFESSIONALS FOR RE-**
14 **SERVE COMPONENTS.**

15 Not later than 90 days after the date of the enact-
16 ment of this Act, the Surgeons General of the Army, Navy,
17 and Air Force shall submit to Congress a report on their
18 staffing needs for health care professionals in the active
19 and reserve components of the Armed Forces. The report
20 shall specifically identify the positions in most critical need
21 for additional health care professionals, including the
22 number of physicians needed and whether additional be-
23 havioral health professionals, such as psychologists and
24 psychiatrists, are needed to treat members of the Armed
25 Forces for the growing concerns of post traumatic stress

1 disorder and traumatic brain injury. The report shall in-
2 clude recommendations for providing incentives for health
3 care professionals with more than 20 years of clinical ex-
4 perience to join the active or reserve components, includ-
5 ing whether changes in age or length of service require-
6 ments to qualify for partial retired pay for non-regular
7 service could be used as a recruitment or retention incen-
8 tives.

9 **SEC. 675. FLEXIBLE COMMENCEMENT DATES FOR AVAIL-**
10 **ABILITY OF HOMEOWNER ASSISTANCE FOR**
11 **MEMBERS OF THE ARMED FORCES PERMA-**
12 **NENTLY REASSIGNED DURING MORTGAGE**
13 **CRISIS.**

14 (a) MODIFICATION OF REASSIGNMENT, PURCHASE,
15 AND SALE DATES.—Subsection (a)(3) of section 1013 of
16 the Demonstration Cities and Metropolitan Development
17 Act of 1966 (42 U.S.C. 3374) is amended—

18 (1) in subparagraph (C), by striking “or an
19 earlier end date designated by the Secretary” and by
20 inserting “or an earlier start or end date designated
21 by the Secretary under subsection (c)(3)(C) for a
22 specific military base or installation”;

23 (2) in subparagraph (D), by inserting “, or a
24 later purchase date designated by the Secretary

1 under subsection (c)(3)(C) for a specific military
2 base or installation” after “July 1, 2006”; and

3 (3) in subparagraph (E), by striking “between
4 July 1, 2006, and September 30, 2012, or an earlier
5 end date designated by the Secretary” and inserting
6 “between the purchase date in effect for the military
7 base or installation under subparagraph (D) and the
8 end date in effect for the military base or installa-
9 tion under subparagraph (D)”.

10 (b) MODIFICATION PROCESS.—Subsection (c)(3) of
11 such section is amended by adding at the end the following
12 new subparagraph:

13 “(C) MODIFICATION OF REASSIGNMENT,
14 PURCHASE, AND SALE DATES.—In exercising
15 the authority under subsection (a)(3) to des-
16 ignate different reassignment, purchase, and
17 sale dates for a specific military base or instal-
18 lation, the Secretary of Defense shall consult
19 with the Secretary of Housing and Urban De-
20 velopment and the Secretary of the Treasury
21 regarding the condition of housing markets in
22 the area of the base or installation so that the
23 Secretary of Defense has the information need-
24 ed to effectively assist members of the Armed
25 Forces and their families.”.

1 **SEC. 676. EXCLUSION OF PERSONS CONVICTED OF COM-**
2 **MITTING CERTAIN SEX OFFENSES FROM RE-**
3 **CEIVING CERTAIN BURIAL-RELATED BENE-**
4 **FITS AND FUNERAL HONORS.**

5 (a) PROHIBITION AGAINST INTERMENT OR MEMORI-
6 ALIZATION IN NATIONAL CEMETERY ADMINISTRATION,
7 ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE
8 VETERANS' CEMETERIES; PROHIBITION AGAINST PROVI-
9 SION OF PRESIDENTIAL MEMORIAL CERTIFICATE, FLAG,
10 AND HEADSTONE OR MARKER.—Section 2411(b) of title
11 38, United States Code, is amended by adding at the end
12 the following new paragraph:

13 “(4) A person who is classified as a tier III sex
14 offender under the Sex Offender Registration and
15 Notification Act.”.

16 (b) RULE OF CONSTRUCTION.—Nothing in this Act
17 shall be construed to terminate any benefit available to
18 any person except those benefits specifically terminated by
19 the amendment made by subsection (a).

20 (c) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to interments and
22 memorializations that occur on or after the date of the
23 enactment of this Act.

24 (d) CONSTITUTIONAL AUTHORITY.—The constitu-
25 tional authority on which this section rests is the power
26 of Congress to make rules for the government and regula-

1 tion of the land and naval forces, as enumerated in article
2 I, section 8, clause 14 of the United States Constitution.

3 **SEC. 677. SCHOLARSHIP PROGRAM FOR VETERANS FOR**
4 **PURSUIT OF GRADUATE AND POST-GRAD-**
5 **UATE DEGREES IN BEHAVIORAL HEALTH**
6 **SCIENCES.**

7 (a) SCHOLARSHIP PROGRAM.—

8 (1) PROGRAM.—The Secretary of Veterans Af-
9 fairs shall carry out a program to provide scholar-
10 ships to qualifying veterans for pursuit of a grad-
11 uate or post-graduate degree in behavioral health
12 sciences.

13 (2) DESIGNATION.—The program carried out
14 under this section shall be known as the “Depart-
15 ment of Veterans Affairs HONOR Scholarship Pro-
16 gram” (in this section referred to as the “scholar-
17 ship program”).

18 (b) QUALIFYING VETERANS.—For purposes of this
19 section, a qualifying veteran is any veteran who—

20 (1) during service on active duty in the Armed
21 Forces, participated for such period as the Secretary
22 of Veterans Affairs, in consultation with the Sec-
23 retary of Defense, shall specify for purposes of the
24 scholarship program in a theater of combat or dur-
25 ing a contingency operation overseas;

1 (2) was retired, discharged, separated, or re-
2 leased from service in the Armed Forces on or after
3 a date (not earlier than August 2, 1990) specified
4 by the Secretary of Defense for purposes of the
5 scholarship program;

6 (3) at the time of the submittal of an applica-
7 tion to participate in the scholarship program, holds
8 an undergraduate or graduate degree, as applicable,
9 from an institution of higher education that qualifies
10 the veteran for pursuit of a graduate or post-grad-
11 uate degree in behavioral sciences; and

12 (4) meets such other qualifications as the Sec-
13 retary of Veterans Affairs may establish for pur-
14 poses of the scholarship program.

15 (c) APPLICATION.—Each qualifying veteran seeking
16 to participate in the scholarship program shall submit to
17 the Secretary of Veterans Affairs an application therefor
18 setting forth such information as the Secretary shall speci-
19 fy for purposes of the scholarship program.

20 (d) AGREEMENT.—Each qualifying veteran selected
21 by the Secretary of Veterans Affairs for participation in
22 the scholarship program shall enter into an agreement
23 with the Secretary regarding participation in the scholar-
24 ship program. The agreement shall contain such terms

1 and conditions as the Secretary shall specify for purposes
2 of the scholarship program.

3 (e) SCHOLARSHIPS.—

4 (1) IN GENERAL.—The Secretary of Veterans
5 Affairs shall provide to each qualifying veteran who
6 enters into an agreement under subsection (d) a
7 scholarship for such number of academic years as
8 the Secretary shall specify in the agreement for pur-
9 suit of a graduate or post-graduate degree in behav-
10 ioral health sciences at an institution of higher edu-
11 cation offering such degree that is approved by the
12 Secretary for purposes of the scholarship program.

13 (2) ELEMENTS.—The scholarship provided a
14 qualifying veteran for an academic year shall consist
15 of payment of the following:

16 (A) Tuition of the qualifying veteran for
17 pursuit of the graduate or post-graduate degree
18 concerned in the academic year.

19 (B) Reasonable educational expenses of the
20 qualifying veteran (including fees, books, and
21 laboratory expenses) in pursuit of such degree
22 in the academic year.

23 (C) A stipend in connection with the pur-
24 suit of such degree in the academic year in such
25 amount as the Secretary shall specify in the

1 agreement of the qualifying veteran under sub-
2 section (d).

3 (f) OBLIGATED SERVICE.—Each qualifying veteran
4 who participates in the scholarship program shall, after
5 completion of the graduate or post-graduate degree con-
6 cerned and as jointly provided by the Secretary of Vet-
7 erans Affairs and the Secretary of Defense in the agree-
8 ment of such qualifying veteran under subsection (d), per-
9 form service as follows:

10 (1) Such service for the Department of Vet-
11 erans Affairs in connection with the furnishing of
12 mental health services to veterans, and for such pe-
13 riod, as the Secretary of Veterans Affairs shall
14 specify in the agreement.

15 (2) Such service for the Department of Defense
16 in connection with the furnishing of mental health
17 services to members of the Armed Forces, and for
18 such period, as the Secretary of Veterans Affairs
19 shall, in consultation with the Secretary of Defense,
20 specify in the agreement.

21 (3) Such combination of service described by
22 paragraphs (1) and (2), and for such period, as the
23 Secretary of Veterans Affairs shall, in consultation
24 with the Secretary of Defense, specify in the agree-
25 ment.

1 (g) BREACH OF AGREEMENT.—Each qualifying vet-
2 eran participating in the scholarship who fails to complete
3 satisfactorily the terms of the agreement of such quali-
4 fying veteran under subsection (d), whether through fail-
5 ure to obtain the graduate or post-graduate degree con-
6 cerned or failure to perform service required of the quali-
7 fying veteran under subsection (f), shall be liable to the
8 United States in such form and manner as the Secretary
9 of Veterans Affairs shall, in consultation with the Sec-
10 retary of Defense, specify in the agreement.

11 (h) CONTINGENCY OPERATION DEFINED.—In this
12 section, the term “contingency operation” has the mean-
13 ing given that term in section 101(a)(13) of title 10,
14 United States Code.

15 **TITLE VII—HEALTH CARE**
16 **PROVISIONS**
17 **Subtitle A—Improvements to**
18 **Health Benefits**

19 **SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN**
20 **CERTAIN HEALTH CARE COSTS.**

21 (a) CHARGES UNDER CONTRACTS FOR MEDICAL
22 CARE.—Section 1097(e) of title 10, United States Code,
23 is amended by striking “September 30, 2009” and insert-
24 ing “September 30, 2011”.

1 (b) CHARGES FOR INPATIENT CARE.—Section
2 1086(b)(3) of such title is amended by striking “Sep-
3 tember 30, 2010” and inserting “September 30, 2011”.

4 **SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER**
5 **TRICARE.**

6 (a) DEPENDENT COVERAGE.—

7 (1) IN GENERAL.—Chapter 55 of title 10,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 1110b. TRICARE program: extension of dependent**
11 **coverage**

12 “(a) IN GENERAL.—In accordance with subsection
13 (c), an individual described in subsection (b) shall be
14 deemed to be a dependent (as described in section
15 1072(2)(D) of this title) for purposes of TRICARE cov-
16 erage.

17 “(b) INDIVIDUAL DESCRIBED.—An individual de-
18 scribed in this subsection is an individual who—

19 “(1) with respect to a member or former mem-
20 ber of a uniformed service, is—

21 “(A) a child who has not attained the age
22 of 26 and is not eligible to enroll in an eligible
23 employer-sponsored plan (as defined in section
24 5000A(f)(2) of the Internal Revenue Code of
25 1986); or

1 “(B) a person who—

2 “(i) is placed in the legal custody of
3 the member or former member as a result
4 of an order of a court of competent juris-
5 diction in the United States (or possession
6 of the United States) for a period of at
7 least 12 consecutive months;

8 “(ii) has not attained the age of 26;

9 “(iii) is not eligible to enroll in an eli-
10 gible employer-sponsored plan (as defined
11 in section 5000A(f)(2) of the Internal Rev-
12 enue Code of 1986);

13 “(iv) resides with the member or
14 former member unless separated by the ne-
15 cessity of military service or to receive in-
16 stitutional care as a result of disability or
17 incapacitation or under such other cir-
18 cumstances as the administering Secretary
19 may by regulation prescribe;

20 “(v) is not otherwise a dependent of a
21 member or a former member under any
22 subparagraph of section 1072(2) of this
23 title; and

24 “(vi) is not the child of a dependent
25 who is described in subparagraph (D) or

1 (I) of section 1072(2) and is a covered
2 beneficiary; and

3 “(2) meets other criteria specified in regula-
4 tions prescribed by the Secretary.

5 “(c) PREMIUM.—(1) The Secretary shall prescribe by
6 regulation a premium for TRICARE coverage provided
7 pursuant to this section to an individual described in sub-
8 section (b).

9 “(2) The monthly amount of the premium in effect
10 for a month for TRICARE coverage pursuant to this sec-
11 tion shall be an amount not to exceed the cost of coverage
12 that the Secretary determines on an appropriate actuarial
13 basis.

14 “(3) The Secretary shall prescribe the requirements
15 and procedures applicable to the payment of premiums
16 under this subsection.

17 “(4) Amounts collected as premiums under this para-
18 graph shall be credited to the appropriation available for
19 the Defense Health Program Account under section 1100
20 of this title, shall be merged with sums in such Account
21 that are available for the fiscal year in which collected,
22 and shall be available under subsection (b) of such section
23 for such fiscal year.

24 “(d) TRICARE COVERAGE DEFINED.—In this sec-
25 tion, the term ‘TRICARE coverage’ means health care to

1 which a dependent described in section 1072(2)(D) of this
2 title is entitled under section 1076d, 1076e, 1079, 1086,
3 or 1097 of this title.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by inserting after the item relating to section 1110a
7 the following new item:

“1110b. TRICARE program: extension of dependent coverage.”.

8 (b) CONFORMING AMENDMENT.—Paragraph (1) of
9 section 1086(c) of title 10, United States Code, is amend-
10 ed by inserting after “of this title” the following: “(or an
11 individual described in section 1110b(b) who meets the re-
12 quirements for a dependent under paragraph (1) or (2)
13 of such section 1076(b))”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 2010.

16 **SEC. 703. SURVIVOR DENTAL BENEFITS.**

17 Paragraph (2) of section 1076a(k) of title 10, United
18 States Code, is amended to read as follows:

19 “(2) Such term includes any such dependent of a
20 member who dies—

21 (A) while on active duty for a period of more
22 than 30 days; or

23 (B) while such member is a member of the
24 Ready Reserve.”.

1 **SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE**
2 **ARMED FORCES.**

3 (a) IN GENERAL.—Paragraph (2) of section 1074f(b)
4 of title 10, United States Code, is amended by adding at
5 the end the following new subparagraph:

6 “(D) An aural screening, including an assess-
7 ment of tinnitus.”.

8 (b) EFFECTIVE DATE.—Section 1074f(b)(2) of title
9 10, United States Code, as added by subsection (a) of this
10 section, shall apply to members of the Armed Forces who
11 are deployed or return from deployment on or after the
12 date that is 30 days after the date of the enactment of
13 this Act.

14 **SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN CO-**
15 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
16 **TEM OF PHARMACY BENEFITS PROGRAM.**

17 During the period beginning on October 1, 2010, and
18 ending on September 30, 2011, the cost sharing require-
19 ments established under paragraph (6) of section
20 1074g(a) of title 10, United States Code, for pharma-
21 ceutical agents available through retail pharmacies cov-
22 ered by paragraph (2)(E)(ii) of such section may not ex-
23 ceed amounts as follows:

- 24 (1) In the case of generic agents, \$3.
25 (2) In the case of formulary agents, \$9.
26 (3) In the case of nonformulary agents, \$22.

1 **SEC. 706. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL**
2 **READY RESERVE AND INDIVIDUAL MOBILIZA-**
3 **TION AUGMENTEES.**

4 (a) FINDINGS.—Congress finds that a veteran who
5 is a member of the Individual Ready Reserve (or who is
6 an individual mobilization augmentee) and is not assigned
7 to a unit that musters regularly and has an established
8 support structure is less likely to be helped by existing
9 suicide prevention programs carried out by the Secretary
10 of Defense and the Secretary of Veterans Affairs.

11 (b) IN GENERAL.—

12 (1) SUICIDE PREVENTION.—Chapter 55 of title
13 10, United States Code, is amended by adding after
14 section 1074l the following new section:

15 **“§ 1074m. Suicide prevention for members of the In-**
16 **dividual Ready Reserve and individual**
17 **mobilization augmentees**

18 “(a) IN GENERAL.—The Secretary of Defense shall
19 ensure that each covered member receives a telephone call
20 described in subsection (b) not less than once every 90
21 days during the period in which—

22 “(1) the covered member is a member of the In-
23 dividual Ready Reserve; or

24 “(2) the Secretary determines that the covered
25 member is an individual mobilization augmentee.

1 “(b) COUNSELING CALL.—A telephone call described
2 in this subsection is a call from properly trained personnel
3 to determine the emotional, psychological, medical, and ca-
4 reer needs and concerns of the covered member.

5 “(c) REFERRAL.—(1) The personnel making a tele-
6 phone call described in subsection (b) shall refer a covered
7 member identified as being at-risk of self-caused harm to
8 the nearest emergency room for immediate evaluation and
9 treatment by a qualified mental health care provider.

10 “(2) If a covered member is referred under paragraph
11 (1), the Secretary shall confirm that the member has re-
12 ceived the evaluation and any necessary treatment.

13 “(d) REPORTS.—Not later than January 31 of each
14 year, beginning in 2011, the Secretary shall submit to
15 Congress a report on the number of covered members who
16 have been referred for counseling or mental health treat-
17 ment under this section, as well as the health and career
18 status of such members.

19 “(e) COVERED MEMBER DEFINED.—In this section,
20 the term ‘covered member’ means—

21 “(1) a member of the Individual Ready Reserve
22 described in section 10144(b) of this title who has
23 deployed to Afghanistan or Iraq in support of a con-
24 tingency operation; or

1 “(2) a member of a reserve component who the
2 Secretary determines is an individual mobilization
3 augmentee who has deployed to Afghanistan or Iraq
4 in support of a contingency operation.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such chapter is amended
7 by inserting after the item relating to section 1074l
8 the following new item:

 “1074m. Suicide prevention for members of the Individual Ready Reserve and
 individual mobilization augmentees.”.

9 **SEC. 707. PROVISION OF INFORMATION TO MEMBERS OF**
10 **THE RESERVE COMPONENTS REGARDING**
11 **HEALTH CARE BENEFITS.**

12 (a) PROVISION OF INFORMATION.—The Secretary of
13 Defense shall ensure that each member of a reserve com-
14 ponent of the Armed Forces who is mobilized or demobi-
15 lized is provided, together with the orders providing for
16 such mobilization or demobilization, a clear and com-
17 prehensive statement of the medical care and treatment
18 to which such member is entitled under Federal law by
19 reason of being so mobilized or demobilized.

20 (b) FREQUENCY.—The statement required to be pro-
21 vided a member under subsection (a) upon a mobilization
22 or demobilization shall be provided to the member each
23 time the member is mobilized or demobilized, as the case
24 may be.

1 (c) ELEMENTS.—The statement provided a member
2 under subsection (a) shall include the following:

3 (1) A clear, comprehensive statement of the
4 medical care and treatment to which the member is
5 entitled under Federal law by reason of being mobi-
6 lized or demobilized, as applicable, including—

7 (A) the nature and range of the care and
8 treatment to which the member is entitled;

9 (B) the departments and agencies of the
10 Federal Government that will provide such care
11 and treatment;

12 (C) the period for which such care and
13 treatment will be so provided; and

14 (D) the obligations, if any, of the member
15 in connection with the receipt of such care and
16 treatment.

17 (2) A clear, comprehensive statement of the
18 health care insurance available under Federal law
19 for the member's family, if any, by reason of the
20 mobilization or demobilization of the member.

21 (3) A clear, comprehensive description of the
22 mental health assessments available to the member
23 before, during, and after deployment pursuant to
24 section 708 of the national defense authorization act

1 for fiscal year 2010 (Public Law 111–84; 123 Stat.
2 2376; 10 U.S.C. 1074f note).

3 (4) Such other matters as the Secretary con-
4 siders appropriate.

5 **Subtitle B—Health Care** 6 **Administration**

7 **SEC. 711. ADMINISTRATION OF TRICARE.**

8 Subsection (a) of section 1073 of title 10, United
9 States Code, is amended—

10 (1) by striking “Except” and inserting “(1) Ex-
11 cept”; and

12 (2) by adding at the end the following new
13 paragraph:

14 “(2) Except as otherwise provided in this chapter, the
15 Secretary of Defense shall have sole responsibility for ad-
16 ministering the TRICARE program and making any deci-
17 sion affecting such program.”.

18 **SEC. 712. UPDATED TERMINOLOGY FOR THE ARMY MED-** 19 **ICAL SERVICE CORPS.**

20 Paragraph (5) of section 3068 of title 10, United
21 States Code, is amended—

22 (1) in subparagraph (A), by striking “Phar-
23 macy, Supply, and Administration” and inserting
24 “Administrative Health Services”;

1 (2) in subparagraph (C), by striking “Sanitary
2 Engineering” and inserting “Preventive Medicine
3 Sciences”; and

4 (3) in subparagraph (D), by striking “Optom-
5 etry” and inserting “Clinical Health Sciences”.

6 **SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS**

7 **APPLICABLE TO MILITARY HEALTH-CARE**
8 **PROFESSIONALS WHO ARE MEMBERS OF THE**
9 **NATIONAL GUARD PERFORMING DUTY WHILE**
10 **IN TITLE 32 STATUS.**

11 Section 1094(d) of title 10, United States Code, is
12 amended—

13 (1) in paragraph (1), by inserting “or (3)”
14 after “paragraph (2)”;

15 (2) in paragraph (2), by inserting “as being de-
16 scribed in this paragraph” after “paragraph (1)”;
17 and

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

20 “(3) A health-care professional referred to in para-
21 graph (1) as being described in this paragraph is a mem-
22 ber of the National Guard who—

23 “(A) has a current license to practice medicine,
24 osteopathic medicine, dentistry, or another health
25 profession; and

1 “(B) is performing training or duty under title
2 32 in response to an actual or potential disaster.”.

3 **SEC. 714. ANNUAL REPORT ON JOINT HEALTH CARE FA-**
4 **CILITIES OF THE DEPARTMENT OF DEFENSE**
5 **AND THE DEPARTMENT OF VETERANS AF-**
6 **FAIRS.**

7 (a) ANNUAL REPORTS.—Section 1073b of title 10,
8 United States Code, is amended by adding at the end the
9 following new subsection:

10 “(c) ANNUAL REPORT ON JOINT HEALTH CARE FA-
11 CILITIES OF THE DEPARTMENT OF DEFENSE AND THE
12 DEPARTMENT OF VETERANS AFFAIRS.—(1) At the same
13 time that the budget of the President is submitted under
14 section 1105(a) of title 31 for each fiscal year, the Sec-
15 retary of Defense and the Secretary of Veterans Affairs
16 shall jointly submit to the appropriate congressional com-
17 mittees a report on joint facilities.

18 “(2) Each report under paragraph (1) shall include
19 the following:

20 “(A) A list of each military medical treatment
21 facility of the Department of Defense that the Sec-
22 retary of Defense is considering as a potential joint
23 facility.

24 “(B) A list of each medical facility of the De-
25 partment of Veterans Affairs that the Secretary of

1 Veterans Affairs is considering as a potential joint
2 facility.

3 “(C) A list of each military medical treatment
4 facility of the Department of Defense and medical
5 facility of the Department of Veterans Affairs that
6 has been established as a joint facility.

7 “(3)(A) Except as provided in subparagraph (B), no
8 funds authorized to be appropriated or otherwise made
9 available for fiscal year 2012 or any fiscal year thereafter
10 for military medical treatment facilities of the Department
11 of Defense may be obligated or expended to establish a
12 joint facility unless both the military medical treatment
13 facility of the Department of Defense and the medical fa-
14 cility of the Department of Veterans Affairs were included
15 in a report under paragraph (1).

16 “(B) The Secretary of Defense may waive the limita-
17 tion in subparagraph (A) with respect to establishing a
18 joint facility not included in a report under paragraph (1)
19 if—

20 “(i) the Secretary and the Secretary of Vet-
21 erans Affairs jointly submit to the appropriate con-
22 gressional committees—

23 “(I) written certification that the Secre-
24 taries began considering such joint facility after
25 the most recent report under subsection (a) was

1 submitted to the appropriate congressional com-
2 mittees; and

3 “(II) a report on such joint facility, includ-
4 ing the location and the estimated cost; and

5 “(ii) a period of 30 days has elapsed after the
6 date on which the certification and report under
7 clause (i) are submitted to the appropriate congress-
8 sional committees.

9 “(4) In this subsection:

10 “(A) The term ‘appropriate congressional com-
11 mittees’ means—

12 “(i) the congressional defense committees;

13 “(ii) the Committee on Veterans’ Affairs of
14 the House of Representatives; and

15 “(iii) the Committee on Veterans’ Affairs
16 of the Senate.

17 “(B) The term ‘joint facility’ means a military
18 medical treatment facility of the Department of De-
19 fense and a medical facility of the Department of
20 Veterans Affairs that are combined, operated jointly,
21 or otherwise operated in such a manner that a facil-
22 ity of one department is operating in or with a facil-
23 ity of the other department.

24 “(C) The term ‘medical facility’, with respect to
25 a facility of the Department of Veterans Affairs, has

1 the meaning given that term in section 8101(3) of
2 title 38.”.

3 (b) TITLE 38.—

4 (1) IN GENERAL.—Subchapter IV of chapter 81
5 of title 38, United States Code, is amended by add-
6 ing at the end the following new section:

7 **“§ 8159. Limitation on establishment of joint facilities**
8 **of the Department of Veterans Affairs**
9 **and the Department of Defense**

10 “(a) LIMITATION.—Except as provided in subsection
11 (b), no funds authorized to be appropriated or otherwise
12 made available for fiscal year 2012 or any fiscal year
13 thereafter for medical facilities of the Department of Vet-
14 erans Affairs may be obligated or expended to establish
15 a joint facility unless both the medical facility of the De-
16 partment of Veterans Affairs and the military medical
17 treatment facility of the Department of Defense were in-
18 cluded in a report submitted by the Secretary of Veterans
19 Affairs and the Secretary of Defense to the appropriate
20 congressional committees under section 1073b(c) of title
21 10.

22 “(b) WAIVER.—The Secretary of Veterans Affairs
23 may waive the limitation in subsection (a) with respect to
24 establishing a joint facility not included in a report under
25 section 1073b(c) of title 10 if—

1 “(1) the Secretary and the Secretary of Defense
2 jointly submit to the appropriate congressional com-
3 mittees—

4 “(A) written certification that the Secre-
5 taries began considering such joint facility after
6 the most recent report under section 1073b(c)
7 of title 10 was submitted to the appropriate
8 congressional committees; and

9 “(B) a report on such joint facility, includ-
10 ing the location and the estimated cost; and

11 “(2) a period of 30 days has elapsed after the
12 date on which the certification and report under
13 paragraph (1) are submitted to the appropriate con-
14 gressional committees.

15 “(c) DEFINITIONS.—In this section:

16 “(1) The term ‘appropriate congressional com-
17 mittees’ means—

18 “(A) the congressional defense committees
19 (as defined in section 101(a)(16) of title 10);

20 “(B) the Committee on Veterans’ Affairs
21 of the House of Representatives; and

22 “(C) the Committee on Veterans’ Affairs
23 of the Senate.

24 “(2) The term ‘joint facility’ means a military
25 medical treatment facility of the Department of De-

1 fense and a medical facility of the Department of
2 Veterans Affairs that are combined, operated jointly,
3 or otherwise operated in such a manner that a facil-
4 ity of one department is operating in or with a facil-
5 ity of the other department.

6 “(3) The term ‘medical facility’ has the mean-
7 ing given that term in section 8101(3) of this title.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by inserting after the item relating to section 8158
11 the following new item:

“8159. Limitation on establishment of joint facilities of the Department of Vet-
erans Affairs and the Department of Defense.”.

12 **SEC. 715. IMPROVEMENTS TO OVERSIGHT OF MEDICAL**
13 **TRAINING FOR MEDICAL CORPS OFFICERS.**

14 (a) REVIEW OF TRAINING PROGRAMS FOR MEDICAL
15 OFFICERS.—The Secretary of Defense shall conduct a re-
16 view of training programs for medical officers (as defined
17 in section 101(b)(14) of title 10, United States Code) to
18 ensure that the academic and military performance of
19 such officers has been completely documented in military
20 personnel records. The programs reviewed shall include,
21 at a minimum, the following:

22 (1) Programs at the Uniformed Services Uni-
23 versity of the Health Sciences that award a medical
24 doctor degree.

1 (2) Selected residency programs at military
2 medical treatment facilities, as determined by the
3 Secretary, to include at least one program in each
4 of the specialties of—

5 (A) anesthesiology;

6 (B) emergency medicine;

7 (C) family medicine;

8 (D) general surgery;

9 (E) neurology;

10 (F) obstetrics/gynecology;

11 (G) pathology;

12 (H) pediatrics; and

13 (I) psychiatry.

14 (b) REPORT.—Not later than one year after the date
15 of the enactment of this Act, the Secretary of Defense
16 shall submit to the congressional defense committees a re-
17 port on the findings of the review under subsection (a).

18 **SEC. 716. STUDY ON REIMBURSEMENT FOR COSTS OF**
19 **HEALTH CARE PROVIDED TO INELIGIBLE IN-**
20 **DIVIDUALS.**

21 (a) STUDY.—The Secretary of Defense shall conduct
22 a study on the costs incurred by the United States on be-
23 half of individuals—

24 (1) who are not covered beneficiaries; and

1 (2) who receive health care services from a
2 health care provider under the TRICARE program.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary shall submit
5 to the congressional defense committees a report on the
6 study under subsection (a), including recommendations for
7 legislative action that the Secretary considers appropriate
8 to—

9 (1) prevent individuals who are not covered
10 beneficiaries from receiving health care services from
11 a health care provider under the TRICARE pro-
12 gram; and

13 (2) recoup the costs of such health care from
14 such individuals.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “covered beneficiary” has the
17 meaning given that term in section 1072(5) of title
18 10, United States Code.

19 (2) The term “TRICARE program” has the
20 meaning given that term in section 1072(7) of such
21 title.

1 **SEC. 717. LIMITATION ON TRANSFER OF FUNDS TO DE-**
2 **PARTMENT OF DEFENSE-DEPARTMENT OF**
3 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
4 **ONSTRATION PROJECT.**

5 The Secretary of Defense may not transfer any funds
6 authorized to be appropriated by this Act for fiscal year
7 2011 to the Joint Department of Defense–Department of
8 Veterans Affairs Medical Facility Demonstration Fund es-
9 tablished in section 1704 of the National Defense Author-
10 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
11 Stat. 2571) unless, before any such transfer—

12 (1) the Secretary submits to the congressional
13 defense committees, the Committee on Veterans’ Af-
14 fairs of the House of Representatives, and the Com-
15 mittee on Veterans’ Affairs of the Senate a report
16 providing—

17 (A) notice of the proposed transfer; and

18 (B) the exact amount and source of funds
19 to be transferred; and

20 (2) a period of 30 days has elapsed (excluding
21 days of which either House of Congress is not in
22 session) after the report is submitted under para-
23 graph (1).

1 **SEC. 718. ENTERPRISE RISK ASSESSMENT OF HEALTH IN-**
2 **FORMATION TECHNOLOGY PROGRAMS.**

3 (a) **STUDY.**—The Secretary of Defense shall conduct
4 an enterprise risk assessment methodology study of all
5 health information technology programs of the Depart-
6 ment of Defense.

7 (b) **REPORT.**—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 to the congressional defense committees a report con-
10 taining the results of the study required under subsection
11 (a).

12 **Subtitle C—Other Matters**

13 **SEC. 721. IMPROVING AURAL PROTECTION FOR MEMBERS**
14 **OF THE ARMED FORCES.**

15 (a) **IN GENERAL.**—In accordance with section 721 of
16 the Duncan Hunter National Defense Authorization Act
17 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
18 4506), the Secretary of Defense shall examine methods
19 to improve the aural protection for members of the Armed
20 Forces in combat.

21 (b) **REPORT.**—Not later than one year after the date
22 of the enactment of this Act, the Secretary shall submit
23 to Congress a report on the methods to improve aural pro-
24 tection examined under subsection (a).

1 **SEC. 722. COMPREHENSIVE POLICY ON NEUROCOGNITIVE**
2 **ASSESSMENT BY THE MILITARY HEALTH**
3 **CARE SYSTEM.**

4 (a) **COMPREHENSIVE POLICY REQUIRED.**—Not later
5 than September 30, 2011, the Secretary of Defense shall
6 develop and implement a comprehensive policy on pre- and
7 post-deployment neurocognitive assessment.

8 (b) **SCOPE OF POLICY.**—The policy required by sub-
9 section (a) shall cover each of the following:

10 (1) Require the administration of the same pre-
11 deployment and post-deployment neurocognitive as-
12 sessments to all members of the military who are
13 preparing to deploy or have returned from deploy-
14 ment.

15 (2) Require the standardization of testing pro-
16 cedures for neurocognitive assessments.

17 (3) Provide for follow-up neurocognitive assess-
18 ments as needed to create a longitudinal
19 neurocognitive assessment record for the on-going
20 care of members of the Armed Forces.

21 (4) Ensure the neurocognitive assessment re-
22 sults and reports be made available to members of
23 the Armed Forces and veterans for their personal
24 use in health management.

1 (c) UPDATES.—The Secretary shall revise the policy
2 required by subsection (a) on a periodic basis in accord-
3 ance with experience and evolving best practice guidelines.

4 (d) ANNUAL REPORT.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, and on Sep-
7 tember 30 of each year thereafter, the Secretary of
8 Defense shall submit to the congressional defense
9 committees a report on the policy required by sub-
10 section (a).

11 (2) ELEMENTS.—Each report required by para-
12 graph (1) shall include the following:

13 (A) A description of the policy imple-
14 mented under subsection (b), and any revisions
15 to such policy under subsection (d).

16 (B) A description of the performance
17 measures used to determine the effectiveness of
18 the policy in improving the use of
19 neurocognitive assessments throughout the De-
20 partment of Defense.

21 (e) COGNITIVE IMPAIRMENT SCREENINGS.—Until
22 the comprehensive policy under subsection (a) is imple-
23 mented, the Secretary shall use the same cognitive screen-
24 ing tool for pre-deployment and post-deployment screening
25 to compare new data to previous baseline data for the pur-

1 poses of detecting cognitive impairment (as described in
2 section 1618(e)(6) of the Wounded Warrior Act (title XVI
3 of Public Law 110–181; 10 U.S.C. 1071 note)) for each
4 member of the Armed Forces—

5 (1) who returns from a deployment in support
6 of a contingency operation; and

7 (2) who completed a neurocognitive assessment
8 prior to the implementation of a new pre-deployment
9 and post-deployment screening tool.

10 (f) CONCLUSION OF STUDIES ON COGNITIVE ASSESS-
11 MENT TOOLS.—Not later than September 30, 2011, the
12 Secretary of Defense shall complete any outstanding com-
13 parative studies on the effectiveness of various cognitive
14 screening tools, including existing tools used for pre-de-
15 ployment and post-deployment screenings, for the imple-
16 mentation of the comprehensive policy under subsection
17 (a).

18 **SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.**

19 (a) DESIGNATION.—Not later than October 1, 2011,
20 the Secretary of Defense may designate a center to be
21 known as the “National Casualty Care Research Center”
22 (in this section referred to as the “Center”), which shall
23 consist of the program known as the combat casualty care
24 research program of the Army Medical Research and Ma-
25 teriel Command.

1 (b) DIRECTOR.—The Secretary, in consultation with
2 the commanding general of the Army Medical Research
3 and Materiel Command, shall appoint a director of the
4 Center.

5 (c) ACTIVITIES OF THE CENTER.—In addition to
6 other functions performed by the combat casualty care re-
7 search program, the Center shall—

8 (1) provide a public-private partnership for
9 funding clinical and experimental studies in combat
10 injury;

11 (2) integrate laboratory and clinical research to
12 hasten improvements in care to members of the
13 Armed Forces who are injured;

14 (3) ensure that data from both military and ci-
15 vilian entities, including the Joint Theater Trauma
16 Registry and the National Trauma Data Bank, are
17 optimally used to establish research agendas and
18 measure improvements in outcomes;

19 (4) fund the full range of injury research and
20 evaluation, including—

21 (A) laboratory, translational, and clinical
22 research;

23 (B) point of wounding and pre-hospital
24 care;

25 (C) early resuscitative management;

1 (D) initial and definitive surgical care; and

2 (E) rehabilitation and reintegration into

3 society; and

4 (5) coordinate the collaboration of civilian and
5 military institutions conducting trauma research.

6 **SEC. 724. REPORT ON FEASIBILITY OF STUDY ON BREAST**
7 **CANCER AMONG FEMALE MEMBERS OF THE**
8 **ARMED FORCES.**

9 (a) REPORT.—Not later than March 1, 2011, the
10 Secretary of Defense shall submit to the congressional de-
11 fense committees a report on the feasibility of conducting
12 a case-control study described in subsection (b).

13 (b) CASE-CONTROL STUDY.—A case-control study de-
14 scribed in this subsection is a case-control study on the
15 incidence of breast cancer among covered members in
16 order to determine whether covered members were at an
17 elevated risk of having breast cancer, including the fol-
18 lowing:

19 (1) A determination of the number of covered
20 members who have been diagnosed with breast can-
21 cer.

22 (2) A sample of covered members who have not
23 been diagnosed with breast cancer who could serve
24 as an appropriate comparison group.

1 (3) A determination of demographic informa-
2 tion and potential breast cancer risk factors regard-
3 ing covered members who are included in the study,
4 including—

5 (A) race;

6 (B) ethnicity;

7 (C) age;

8 (D) possible exposure to hazardous ele-
9 ments or chemical or biological agents (includ-
10 ing any vaccines) and where such exposure oc-
11 curred;

12 (E) known breast cancer risk factors, in-
13 cluding familial, reproductive, and anthropo-
14 metric parameters;

15 (F) the locations of duty stations that such
16 member was assigned;

17 (G) the locations in which such member
18 was deployed; and

19 (H) the geographic area of residence prior
20 to deployment.

21 (4) An analysis of the clinical characteristics of
22 breast cancer diagnosed in covered members (includ-
23 ing the stage, grade, and other details of the can-
24 cer).

1 (5) Other information the Secretary considers
2 appropriate.

3 (c) COVERED MEMBERS DEFINED.—In this section,
4 the term “covered members” means female members of
5 the Armed Forces (including members of the National
6 Guard and reserve components) who served in Operation
7 Enduring Freedom or Operation Iraqi Freedom.

8 **SEC. 725. ASSESSMENT OF POST-TRAUMATIC STRESS DIS-**
9 **ORDER BY MILITARY OCCUPATION.**

10 (a) ASSESSMENT.—The Secretary of Defense shall
11 conduct an assessment of post-traumatic stress disorder
12 incidence by military occupation, including identification
13 of military occupations with a high incidence of such dis-
14 order.

15 (b) REPORT.—Not later than one year after the date
16 of the enactment of this Act, the Secretary shall submit
17 to the congressional defense committees a report on the
18 assessment under subsection (a).

19 **SEC. 726. VISITING NIH SENIOR NEUROSCIENCE FELLOW-**
20 **SHIP PROGRAM.**

21 (a) AUTHORITY TO ESTABLISH.—The Secretary of
22 Defense may establish a program to be known as the Vis-
23 iting NIH Senior Neuroscience Fellowship Program at—

24 (1) the Defense Advanced Research Projects
25 Agency; and

1 (2) the Defense Center of Excellence for Psy-
2 chological Health and Traumatic Brain Injury.

3 (b) ACTIVITIES OF THE PROGRAM.—In establishing
4 the Visiting NIH Senior Neuroscience Fellowship Pro-
5 gram under subsection (a), the Secretary shall require the
6 program to—

7 (1) provide a partnership between the National
8 Institutes of Health and the Defense Advanced Re-
9 search Projects Agency to enable identification and
10 funding of the broadest range of innovative, highest
11 quality clinical and experimental neuroscience stud-
12 ies for the benefit of members of the Armed Forces;

13 (2) provide a partnership between the National
14 Institutes of Health and the Defense Center of Ex-
15 cellence for Psychological Health and Traumatic
16 Brain Injury that will enable identification and
17 funding of clinical and experimental neuroscience
18 studies for the benefit of members of the Armed
19 Forces;

20 (3) use the results of the studies described in
21 paragraph (1) and (2) to enhance the mission of the
22 National Institutes of Health for the benefit of the
23 public; and

24 (4) provide a military and civilian collaborative
25 environment for neuroscience-based medical prob-

1 (b) CONDITIONS FOR PAYMENT.—The approval by a
2 Secretary for payment for a treatment pursuant to sub-
3 section (a) shall be subject to the following conditions:

4 (1) Any drug or device used in the treatment
5 must be approved or cleared by the Food and Drug
6 Administration for any purpose.

7 (2) The treatment or study protocol used in
8 treating the member or veteran must have been ap-
9 proved by an institutional review board operating in
10 accordance with regulations issued by the Secretary
11 of Health and Human Services.

12 (3) The approved treatment or study protocol
13 (including any patient disclosure requirements) must
14 be used by the health care provider delivering the
15 treatment.

16 (4) The patient receiving the treatment or
17 study protocol must demonstrate an improvement as
18 a result of the treatment on one or more of the fol-
19 lowing:

20 (A) Standardized independent pre-treat-
21 ment and post-treatment neuropsychological
22 testing.

23 (B) Accepted survey instruments.

24 (C) Neurological imaging.

25 (D) Clinical examination.

1 (5) The patient receiving the treatment or
2 study protocol must be receiving the treatment vol-
3 untarily.

4 (6) The patient receiving the treatment may not
5 be a retired member of the uniformed services or of
6 the Armed Forces who is entitled to benefits under
7 part A, or eligible to enroll under part B, of title
8 XVIII of the Social Security Act.

9 (c) ADDITIONAL RESTRICTIONS PROHIBITED.—Ex-
10 cept as provided in this subsection (b), no restriction or
11 condition for reimbursement may be placed on any health
12 care provider that is operating lawfully under the laws of
13 the State in which the provider is located with respect to
14 the receipt of payment under this Act.

15 (d) PAYMENT DEADLINE.—The Secretary of Defense
16 and the Secretary of Veterans Affairs shall make a pay-
17 ment for a treatment or study protocol pursuant to sub-
18 section (a) not later than 30 days after a member of the
19 Armed Forces or veteran (or health care provider on be-
20 half of such member or veteran) submits to the Secretary
21 documentation regarding the treatment or study protocol.
22 The Secretary of Defense and the Secretary of Veterans
23 Affairs shall ensure that the documentation required
24 under this subsection may not be an undue burden on the

1 member of the Armed Forces or veteran or on the health
2 care provider.

3 (e) PAYMENT SOURCE.—Subsection (c)(1) of section
4 1074 of title 10, United States Code, shall apply with re-
5 spect to the payment by the Secretary of Defense for
6 treatment or study protocols pursuant to subsection (a)
7 of traumatic brain injury and post-traumatic stress dis-
8 order received by members of the Armed Forces.

9 (f) PAYMENT AMOUNT.—A payment under this Act
10 shall be made at the equivalent Centers for Medicare and
11 Medicaid Services reimbursement rate in effect for appro-
12 priate treatment codes for the State or territory in which
13 the treatment or study protocol is received. If no such rate
14 is in effect, payment shall be made at a fair market rate,
15 as determined by the Secretary of Defense, in consultation
16 with the Secretary of Health and Human Services, with
17 respect to a patient who is a member of the Armed Forces
18 or the Secretary of Veterans Affairs with respect to a pa-
19 tient who is a veteran.

20 (g) DATA COLLECTION AND AVAILABILITY.—

21 (1) IN GENERAL.—The Secretary of Defense
22 and the Secretary of Veterans Affairs shall jointly
23 develop and maintain a database containing data
24 from each patient case involving the use of a treat-
25 ment under this section. The Secretaries shall en-

1 sure that the database preserves confidentiality and
2 be made available only—

3 (A) for third-party payer examination;

4 (B) to the appropriate congressional com-
5 mittees and employees of the Department of
6 Defense, the Department of Veterans Affairs,
7 the Department of Health and Human Services,
8 and appropriate State agencies; and

9 (C) to the primary investigator of the insti-
10 tutional review board that approved the treat-
11 ment or study protocol, in the case of data re-
12 lating to a patient case involving the use of
13 such treatment or study protocol.

14 (2) ENROLLMENT IN INSTITUTIONAL REVIEW
15 BOARD STUDY.—In the case of a patient enrolled in
16 a registered institutional review board study, results
17 may be publically distributable in accordance with
18 the regulations prescribed pursuant to the Health
19 Insurance Portability and Accountability Act of
20 1996 (Public Law 104–191) and other regulations
21 and practices in effect as of the date of the enact-
22 ment of this Act.

23 (3) QUALIFIED INSTITUTIONAL REVIEW
24 BOARDS.—The Secretary of Defense and the Sec-
25 retary of Veterans Affairs shall each ensure that the

1 Internet website of their respective departments in-
2 cludes a list of all civilian institutional review board
3 studies that have received a payment under this Act.

4 (h) ASSISTANCE FOR MEMBERS TO OBTAIN TREAT-
5 MENT.—

6 (1) ASSIGNMENT TO TEMPORARY DUTY.—The
7 Secretary of a military department may assign a
8 member of the Armed Forces under the jurisdiction
9 of the Secretary to temporary duty or allow the
10 member a permissive temporary duty in order to
11 permit the member to receive treatment or study
12 protocol for traumatic brain injury or post-traumatic
13 stress disorder, for which payments shall be made
14 under subsection (a), at a location beyond reason-
15 able commuting distance of the member's permanent
16 duty station.

17 (2) PAYMENT OF PER DIEM.—A member who is
18 away from the member's permanent station may be
19 paid a per diem in lieu of subsistence in an amount
20 not more than the amount to which the member
21 would be entitled if the member were performing
22 travel in connection with a temporary duty assign-
23 ment.

24 (3) GIFT RULE WAIVER.—Notwithstanding any
25 rule of any department or agency with respect to

1 ethics or the receipt of gifts, any assistance provided
2 to a member of the Armed Forces with a service-
3 connected injury or disability for travel, meals, or
4 entertainment incidental to receiving treatment or
5 study protocol under this Act, or for the provision
6 of such treatment or study protocol, shall not be
7 subject to or covered by any such rule.

8 (i) RETALIATION PROHIBITED.—No retaliation may
9 be made against any member of the Armed Forces or vet-
10 eran who receives treatment or study protocol as part of
11 registered institutional review board study carried out by
12 a civilian health care practitioner.

13 (j) TREATMENT OF UNIVERSITY AND NATIONALLY
14 ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For
15 purposes of this Act, a university-affiliated or nationally
16 accredited institutional review board shall be treated in the
17 same manner as a Government institutional review board.

18 (k) MEMORANDA OF UNDERSTANDING.—The Sec-
19 retary of Defense and the Secretary of Veterans Affairs
20 shall seek to expeditiously enter into memoranda of under-
21 standings with civilian institutional review boards de-
22 scribed in subsection (j) for the purpose of providing for
23 members of the Armed Forces and veterans to receive
24 treatment carried out by civilian health care practitioners
25 under a treatment or study protocol approved by and

1 under the oversight of civilian institutional review boards
2 that would qualify for payment under this Act.

3 (l) OUTREACH REQUIRED.—

4 (1) OUTREACH TO VETERANS.—The Secretary
5 of Veterans Affairs shall notify each veteran with a
6 service-connected injury or disability of the oppor-
7 tunity to receive treatment or study protocol pursu-
8 ant to this Act.

9 (2) OUTREACH TO MEMBERS OF THE ARMED
10 FORCES.—The Secretary of Defense shall notify
11 each member of the Armed Forces with a service-
12 connected injury or disability of the opportunity to
13 receive treatment or study protocol pursuant to this
14 Act.

15 (m) REPORT TO CONGRESS.—Not later than 30 days
16 after the last day of each fiscal year during which the Sec-
17 retary of Defense and the Secretary of Veterans Affairs
18 are authorized to make payments under this Act, the Sec-
19 retaries shall jointly submit to Congress an annual report
20 on the implementation of this Act. Such report shall in-
21 clude each of the following for that fiscal year:

22 (1) The number of individuals for whom the
23 Secretary has provided payments under this Act.

24 (2) The condition for which each such indi-
25 vidual receives treatment for which payment is pro-

1 vided under this Act and the success rate of each
2 such treatment.

3 (3) Treatment methods that are used by enti-
4 ties receiving payment provided under this Act and
5 the respective rate of success of each such method.

6 (4) The recommendations of the Secretaries
7 with respect to the integration of treatment methods
8 for which payment is provided under this Act into
9 facilities of the Department of Defense and Depart-
10 ment of Veterans Affairs.

11 (n) TERMINATION.—The authority to make a pay-
12 ment under this Act shall terminate on the date that is
13 five years after the date of the enactment of this Act.

14 (o) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this Act
16 \$10,000,000 for each fiscal year during which the Sec-
17 retary of Veterans Affairs and the Secretary of Defense
18 are authorized to make payments under this Act.

19 **SEC. 728. POST-TRAUMATIC STRESS DISORDER COUN-**
20 **SELING FOR CIVILIAN VICTIMS OF THE FORT**
21 **HOOD SHOOTING AND OTHER SIMILAR INCI-**
22 **DENTS.**

23 The Secretary of Defense shall make available to each
24 civilian victim of a shooting on a military installation in
25 the United States, including the shooting at Fort Hood

1 on November 5, 2009, extensive counseling for post-trau-
2 matic stress disorder.

3 **SEC. 729. SENSE OF CONGRESS CONCERNING THE IMPLE-**
4 **MENTATION OF THE CONGRESSIONALLY-**
5 **MANDATED RECOMMENDATIONS OF THE IN-**
6 **STITUTE OF MEDICINE STUDY.**

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

8 (1) Section 717 of the National Defense Au-
9 thorization Act for Fiscal Year 2008 (Public Law
10 110–181; 10 U.S.C. 1073 note) directed the Sec-
11 retary of Defense to enter into a contract with the
12 Institute of Medicine of the National Academy of
13 Sciences to conduct a study and make recommenda-
14 tions regarding the credentials, preparation, and
15 training of licensed mental health counselors.

16 (2) In the study, the Institute of Medicine of
17 the National Academy of Sciences recommends per-
18 mitting counselors to practice independently under
19 the TRICARE program.

20 (3) In addition, the Institute of Medicine of the
21 National Academy of Sciences recommends that
22 TRICARE implement a comprehensive quality man-
23 agement system for all of its mental health profes-
24 sionals.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary of Defense should implement the
3 requirements of subsection (a) of such section 717 by not
4 later than December 31, 2010, because such implementa-
5 tion will increase the urgently needed mental health staff
6 of the Department of Defense and ensure that members
7 of the Armed Forces will receive timely and confidential
8 post-deployment screenings with a mental health profes-
9 sional.

10 **TITLE VIII—ACQUISITION POL-**
11 **ICY, ACQUISITION MANAGE-**
12 **MENT, AND RELATED MAT-**
13 **TERS**

14 **Subtitle A—Acquisition Policy and**
15 **Management**

16 **SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRAC-**
17 **TORS.**

18 (a) IN GENERAL.—Section 2320 of title 10, United
19 States Code, is amended—

20 (1) in subsection (c)(2)—

21 (A) by inserting “or covered litigation sup-
22 port contractor” after “covered Government
23 support contractor”; and

1 (B) by inserting after “oversight of” the
2 following: “, or preparation for litigation relat-
3 ing to,”; and

4 (2) by inserting after subsection (f) the fol-
5 lowing:

6 “(g) In this section, the term ‘covered litigation sup-
7 port contractor’ means a contractor (including an expert
8 or technical consultant) under contract with the Depart-
9 ment of Defense to provide litigation support, which con-
10 tractor executes a contract with the Government agreeing
11 to and acknowledging—

12 “(1) that proprietary or nonpublic technical
13 data furnished will be accessed and used only for the
14 purposes stated in that contract;

15 “(2) that the covered litigation support con-
16 tractor will take all reasonable steps to protect the
17 proprietary and nonpublic nature of the technical
18 data furnished to the covered litigation support con-
19 tractor; and

20 “(3) that such technical data provided to the
21 covered litigation support contractor under the au-
22 thority of this section shall not be used by the cov-
23 ered litigation support contractor to compete against
24 the third party for Government or non-Government
25 contracts.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date that is 120
3 days after the date of the enactment of this Act.

4 **SEC. 802. DESIGNATION OF F135 AND F136 ENGINE DEVELOP-**
5 **MENT AND PROCUREMENT PROGRAMS AS**
6 **MAJOR SUBPROGRAMS.**

7 (a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not
8 later than 30 days after the date of the enactment of this
9 Act, the Secretary of Defense shall designate each of the
10 engine development and procurement programs described
11 in subsection (b) as a major subprogram of the F–35
12 Lightning II aircraft major defense acquisition program,
13 in accordance with section 2430a of title 10, United States
14 Code.

15 (b) DESCRIPTION.—For purposes of subsection (a),
16 the engine development and procurement programs are
17 the following:

18 (1) The F135 engine development and procure-
19 ment program.

20 (2) The F136 engine development and procure-
21 ment program.

22 (c) ORIGINAL BASELINE.—For purposes of reporting
23 requirements referred to in section 2430a(b) of title 10,
24 United States Code, for the major subprograms des-
25 ignated under subsection (a), the Secretary shall use the

1 Milestone B decision for each subprogram as the original
2 baseline for the subprogram.

3 (d) ACTIONS FOLLOWING CRITICAL COST
4 GROWTH.—

5 (1) IN GENERAL.—Subject to paragraph (2), to
6 the extent that the Secretary elects to restructure
7 the F–35 Lightning II aircraft major defense acqui-
8 sition program subsequent to a reassessment and ac-
9 tions required by subsections (a) and (c) of section
10 2433a of title 10, United States Code, during fiscal
11 year 2010, and also conducts such reassessment and
12 actions with respect to the F135 and F136 engine
13 development and procurement programs (including
14 related reporting based on the original baseline as
15 defined in subsection (c)), the requirements of sec-
16 tion 2433a of such title with respect to a major sub-
17 program designated under subsection (a) shall be
18 considered to be met with respect to the major sub-
19 program.

20 (2) LIMITATION.—Actions taken in accordance
21 with paragraph (1) shall be considered to meet the
22 requirements of section 2433a of title 10, United
23 States Code, with respect to a major subprogram
24 designated under subsection (a) only to the extent
25 that designation as a major subprogram would re-

1 quire the Secretary of Defense to conduct a reas-
2 sessment and take actions pursuant to such section
3 2433a for such a subprogram upon enactment of
4 this Act. The requirements of such section 2433a
5 shall not be considered to be met with respect to
6 such a subprogram in the event that additional pro-
7 grammatic changes, following the date of the enact-
8 ment of this Act, cause the program acquisition unit
9 cost or procurement unit cost of such a subprogram
10 to increase by a percentage equal to or greater than
11 the critical cost growth threshold (as defined in sec-
12 tion 2433(a)(5) of such title) for the subprogram.

13 **SEC. 803. CONFORMING AMENDMENTS RELATING TO IN-**
14 **CLUSION OF MAJOR SUBPROGRAMS TO**
15 **MAJOR DEFENSE ACQUISITION PROGRAMS**
16 **UNDER VARIOUS ACQUISITION-RELATED RE-**
17 **QUIREMENTS.**

18 (a) CONFORMING AMENDMENTS TO SECTION
19 2366a.—Section 2366a of such title is amended—

20 (1) in subsections (a), (b)(1), and (b)(2)—

21 (A) by inserting “or designated major sub-
22 program” after “major defense acquisition pro-
23 gram”; and

24 (B) by inserting “or subprogram” after
25 “program” each place it appears (other than

1 after “major defense acquisition program”,
2 after “space program”, before “requirements”,
3 and before “manager”); and

4 (2) in subsection (c)—

5 (A) by redesignating paragraphs (2), (3),
6 (4), and (5) as paragraphs (3), (4), (5), and
7 (6), respectively; and

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

10 “(2) The term ‘designated major subprogram’
11 means a major subprogram of a major defense ac-
12 quisition program as designated under section
13 2430a(a)(1) of this title.”.

14 (b) CONFORMING AMENDMENTS TO SECTION
15 2366b.—Section 2366b of such title is amended—

16 (1) in subsections (a), (b)(1), and (c)(1)—

17 (A) by inserting “or designated major sub-
18 program” after “major defense acquisition pro-
19 gram”; and

20 (B) by inserting “or subprogram” after
21 “program” each place it appears (other than
22 after “major defense acquisition program”,
23 after “future-years defense program”, and after
24 “space program”); and

25 (2) in subsection (g)—

1 (A) by redesignating paragraphs (2), (3),
2 and (4) as paragraphs (3), (4), and (5), respec-
3 tively; and

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

6 “(2) The term ‘designated major subprogram’
7 means a major subprogram of a major defense ac-
8 quisition program as designated under section
9 2430a(a)(1) of this title.”.

10 (c) CONFORMING AMENDMENTS TO SECTION
11 2399.—Subsection (a) of section 2399 of such title is
12 amended to read as follows:

13 “(a) CONDITION FOR PROCEEDING BEYOND LOW-
14 RATE INITIAL PRODUCTION.—(1) The Secretary of De-
15 fense shall provide that a covered major defense acquisi-
16 tion program or a covered designated major subprogram
17 may not proceed beyond low-rate initial production until
18 initial operational test and evaluation of the program or
19 subprogram is completed.

20 “(2) In this subsection:

21 “(A) The term ‘covered major defense acquisi-
22 tion program’ means a major defense acquisition
23 program that involves the acquisition of a weapon
24 system that is a major system within the meaning
25 of that term in section 2302(5) of this title.

1 “(B) The term ‘covered designated major sub-
2 program’ means a major subprogram designated
3 under section 2430a(a)(1) of this title that is a
4 major subprogram of a covered major defense acqui-
5 sition program.”.

6 (d) CONFORMING AMENDMENTS TO SECTION
7 2434.—Section 2434(a) of such title is amended—

8 (1) by inserting “(1)” before “The Secretary of
9 Defense”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) The provisions of this section shall apply to any
13 major subprogram of a major defense acquisition program
14 (as designated under section 2430a(a)(1) of this title) in
15 the same manner as those provisions apply to a major de-
16 fense acquisition program, and any reference in this sec-
17 tion to a program shall be treated as including such a sub-
18 program.”.

19 **SEC. 804. ENHANCEMENT OF DEPARTMENT OF DEFENSE**
20 **AUTHORITY TO RESPOND TO COMBAT AND**
21 **SAFETY EMERGENCIES THROUGH RAPID AC-**
22 **QUISITION AND DEPLOYMENT OF URGENTLY**
23 **NEEDED SUPPLIES.**

24 (a) REQUIREMENT TO ESTABLISH PROCEDURES.—
25 Subsection (a) of section 806 of the Bob Stump National

1 Defense Authorization Act for Fiscal Year 2003 (10
2 U.S.C. 2302 note) is amended by striking “items that
3 are—” and inserting “supplies that are—”.

4 (b) ISSUES TO BE ADDRESSED.—Subsection (b) of
5 such section is amended—

6 (1) in paragraph (1)(B), by striking “items”
7 and inserting “supplies”; and

8 (2) in paragraph (2)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “items” and inserting “sup-
11 plies”;

12 (B) in subparagraph (A), by striking “an
13 item” and inserting “the supplies”;

14 (C) in subparagraph (B), by striking “an
15 item” and inserting “the supplies”; and

16 (D) in subparagraph (C), by inserting
17 “and utilization” after “deployment”.

18 (c) RESPONSE TO COMBAT EMERGENCIES.—Sub-
19 section (c) of such section is amended—

20 (1) by striking “equipment” each place it ap-
21 pears and inserting “supplies”;

22 (2) by striking “combat capability” each place
23 it appears;

24 (3) by inserting “, or could result,” after “that
25 has resulted” each place it appears;

1 (4) by striking “fatalities” each place it appears
2 and inserting “casualties”;

3 (5) in paragraphs (1) and (2)(A), by striking
4 “is” each place it appears and inserting “are”;

5 (6) in paragraph (3)—

6 (A) by striking “The authority of this sec-
7 tion may not be used to acquire equipment in
8 an amount aggregating more than
9 \$100,000,000 during any fiscal year.”; and

10 (B) by inserting “in an amount aggre-
11 gating no more than \$200,000,000” after “for
12 that fiscal year”;

13 (7) in paragraph (4), by striking “Each such
14 notice” and inserting “For each such determination,
15 the notice under the preceding sentence”; and

16 (8) in paragraph (5), by striking “that equip-
17 ment” and inserting “those supplies”.

18 (d) WAIVER OF CERTAIN STATUTES AND REGULA-
19 TIONS.—Subsection (d)(1) of such section is amended by
20 striking “equipment” in subparagraphs (A), (B), and (C)
21 and inserting “supplies”.

22 (e) TESTING REQUIREMENT.—Subsection (e) of such
23 section is amended—

24 (1) in paragraph (1)—

1 (A) by striking “an item” in the matter
2 preceding subparagraph (A) and inserting “the
3 supplies”; and

4 (B) in subparagraph (B), by striking “of
5 the item” and all that follows through “require-
6 ments document” and inserting “of the supplies
7 in meeting the original requirements for the
8 supplies (as stated in a statement of the urgent
9 operational need”;

10 (2) in paragraph (2)—

11 (A) by striking “an item” and inserting
12 “supplies”; and

13 (B) by striking “the item” and inserting
14 “the supplies”; and

15 (3) in paragraph (3)—

16 (A) by striking “If items” and inserting
17 “If the supplies”; and

18 (B) by striking “items” each place it ap-
19 pears and inserting “supplies”.

20 (f) LIMITATION.—Subsection (f) of such section is
21 amended to read as follows:

22 “(f) LIMITATION.—In the case of supplies that are
23 part of a major system for which a low-rate initial produc-
24 tion quantity determination has been made pursuant to
25 section 2400 of title 10, United States Code, the quantity

1 of such supplies acquired using the procedures prescribed
2 pursuant to this section may not exceed an amount con-
3 sistent with complying with limitations on the quantity of
4 articles approved for low-rate initial production for such
5 system. Any such supplies shall be included in any relevant
6 calculation of quantities for low-rate initial production for
7 the system concerned.”.

8 **SEC. 805. PROHIBITION ON CONTRACTS WITH ENTITIES EN-**
9 **GAGING IN COMMERCIAL ACTIVITY IN THE**
10 **ENERGY SECTOR OF IRAN.**

11 (a) PROHIBITION ON CONTRACTS.—

12 (1) PROHIBITION.—The Secretary of Defense,
13 beginning 90 days after the date of the enactment
14 of this Act, may not enter into any contract with—

15 (A) an entity that engages in commercial
16 activity in the energy sector of Iran; or

17 (B) a successor entity to the entity de-
18 scribed in subparagraph (A).

19 (2) DEFINITION.—For purposes of this sub-
20 section, an entity engages in commercial activity in
21 the energy sector of Iran if the entity, when entering
22 into a contract with the Department of Defense for
23 goods and services, fails to certify to the contracting
24 officer that the entity does not engage in an activity
25 for which sanctions may be imposed under section

1 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C.
2 1701 note).

3 (b) REMEDIES.—

4 (1) IN GENERAL.—If the Secretary of Defense,
5 in consultation with the Secretary of State, deter-
6 mines that an entity has submitted a false certifi-
7 cation under subsection (a)(2), the Secretary of De-
8 fense may terminate a contract with such entity or
9 debar or suspend such entity from eligibility for De-
10 partment of Defense contracts for a period of not
11 more than three years. Any such debarment or sus-
12 pension shall be subject to the procedures that apply
13 to debarment and suspension under the Federal Ac-
14 quisition Regulation under subpart 9.4 of part 9 of
15 title 48, Code of Federal Regulations.

16 (2) INCLUSION ON LIST OF PARTIES EXCLUDED
17 FROM FEDERAL PROCUREMENT AND NONPROCURE-
18 MENT PROGRAMS.—The Administrator of General
19 Services shall include on the List of Parties Ex-
20 cluded from Federal Procurement and Nonprocure-
21 ment Programs maintained by the Administrator
22 under part 9 of the Federal Acquisition Regulation
23 issued pursuant to section 25 of the Office of Fed-
24 eral Procurement Policy Act (41 U.S.C. 421) each
25 entity that is debarred, suspended, or proposed for

1 debarment or suspension by the Secretary on the
2 basis of a determination of a false certification
3 under paragraph (1).

4 (c) WAIVERS.—

5 (1) AUTHORITY.—The Secretary of Defense
6 may on a case by-case basis waive the requirement
7 that an entity make a certification under subsection
8 (a)(2) if the Secretary determines that it is in the
9 interest of national security to do so.

10 (2) CONTENTS OF CERTIFICATION.—Upon
11 issuing a waiver under paragraph (1) with respect to
12 an entity, the Secretary of Defense shall submit to
13 the Committees on Armed Services of the Senate
14 and House of Representatives, the Committee on
15 Foreign Relations of the Senate, and the Committee
16 on Foreign Affairs of the House of Representatives
17 a notification that identifies the entity involved, the
18 nature of the contract, and the rationale for issuing
19 the waiver.

1 **Subtitle B—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 811. EXTENSION OF AUTHORITY TO PROCURE CER-**
5 **TAIN FIBERS; LIMITATION ON SPECIFICA-**
6 **TION.**

7 (a) EXTENSION.—Section 829 of the National De-
8 fense Authorization Act for Fiscal Year 2008 (Public Law
9 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is amend-
10 ed in subsection (f) by striking “on the date that is five
11 years after the date of the enactment of this Act” and
12 inserting “on January 1, 2021”.

13 (b) PROHIBITION ON SPECIFICATION IN SOLICITA-
14 TIONS.—No solicitation issued before January 1, 2021, by
15 the Department of Defense may include a requirement
16 that proposals submitted pursuant to such solicitation
17 must include the use of fire resistant rayon fiber.

18 **SEC. 812. SMALL ARMS PRODUCTION INDUSTRIAL BASE**
19 **MATTERS.**

20 Section 2473 of title 10, United States Code, is
21 amended—

22 (1) in subsection (b), by striking “subsection
23 (d)” and inserting “subsection (c)”;

24 (2) by striking subsection (c);

1 (3) by redesignating subsections (d) and (e) as
2 subsections (c) and (d), respectively; and

3 (4) by adding at the end the following new sub-
4 section (e):

5 “(e) COMPETITIVE PROCEDURES.—If the Secretary
6 determines under subsection (a) that the requirement to
7 procure property or services described in subsection (b)
8 for the Department of Defense from a firm in the small
9 arms production industrial base is not necessary to pre-
10 serve such industrial base, any such procurement shall be
11 awarded through the use of competitive procedures that
12 afford such industrial base a fair opportunity to be consid-
13 ered for such procurement.”.

14 **SEC. 813. ADDITIONAL DEFINITION RELATING TO PRODUC-**
15 **TION OF SPECIALTY METALS WITHIN THE**
16 **UNITED STATES.**

17 Section 2533b(m) of title 10, United States Code, is
18 amended by adding at the end the following new para-
19 graph:

20 “(11) The term ‘produced’, as used in sub-
21 sections (a) and (b), means melted, or processed in
22 a manner that results in physical or chemical prop-
23 erty changes that are the equivalent of melting. The
24 term does not include finishing processes such as

1 rolling, heat treatment, quenching, tempering, grind-
2 ing, or shaving.”.

3 **Subtitle C—Studies and Reports**

4 **SEC. 821. STUDIES TO ANALYZE ALTERNATIVE MODELS** 5 **FOR ACQUISITION AND FUNDING OF TECH-** 6 **NOLOGIES SUPPORTING NETWORK-CENTRIC** 7 **OPERATIONS.**

8 (a) STUDIES REQUIRED.—

9 (1) INDEPENDENT STUDY.—Not later than 90
10 days after the date of the enactment of this Act, the
11 Secretary of Defense shall enter into a contract with
12 an independent federally funded research and devel-
13 opment center to carry out a comprehensive study of
14 policies, procedures, organization, and regulatory
15 constraints affecting the acquisition of technologies
16 supporting network-centric operations. The contract
17 shall be funded from amounts appropriated pursuant
18 to an authorization of appropriations in this Act or
19 otherwise made available for fiscal year 2011 for op-
20 eration and maintenance for Defense-wide activities.

21 (2) JOINT CHIEFS OF STAFF STUDY.—The
22 Chairman of the Joint Chiefs of Staff shall carry out
23 a comprehensive study of the same subjects covered
24 by paragraph (1). The study shall be independent of
25 the study required by paragraph (1) and shall be

1 carried out in conjunction with the military depart-
2 ments and in coordination with the Secretary of De-
3 fense.

4 (b) MATTERS TO BE ADDRESSED.—Each study re-
5 quired by subsection (a) shall address the following mat-
6 ters:

7 (1) Development of a system for understanding
8 the various foundational components that contribute
9 to network-centric operations, such as data trans-
10 port, processing, storage, data collection, and dis-
11 semination of information.

12 (2) Determining how acquisition and funding
13 programs that are in place as of the date of the en-
14 actment of this Act relate to the system developed
15 under paragraph (1).

16 (3) Development of acquisition and funding
17 models using the system developed under paragraph
18 (1), including—

19 (A) a model under which a joint entity
20 independent of any military department (such
21 as the Joint Staff) is established with responsi-
22 bility and control of all funding for the acquisi-
23 tion of technologies for network-centric oper-
24 ations, and with authority to oversee the incor-

1 poration of such technologies into the acquisi-
2 tion programs of the military departments;

3 (B) a model under which an executive
4 agent is established to manage and oversee the
5 acquisition of technologies for network-centric
6 operations, but would not have exclusive control
7 of the funding for such programs;

8 (C) a model under which the acquisition
9 and funding programs that are in place as of
10 the date of the enactment of this Act are main-
11 tained; and

12 (D) any other model that the entity car-
13 rying out the study considers relevant.

14 (4) An analysis of each of the models developed
15 under paragraph (3) with respect to potential bene-
16 fits in—

17 (A) collecting, processing, and dissemi-
18 nating information;

19 (B) network commonality;

20 (C) common communications;

21 (D) interoperability;

22 (E) mission impact and success; and

23 (F) cost-effectiveness.

24 (5) An evaluation of each of the models devel-
25 oped under paragraph (3) with respect to feasibility,

1 including identification of legal, policy, or regulatory
2 barriers that may impede the implementation of
3 such model.

4 (c) REPORT REQUIRED.—Not later than September
5 30, 2011, the Secretary of Defense shall submit to the
6 congressional defense committees a report on the results
7 of the studies required by subsection (a). The report shall
8 include the findings and recommendations of the studies
9 and any observations and comments that the Secretary
10 considers appropriate.

11 (d) NETWORK-CENTRIC OPERATIONS DEFINED.—In
12 this section, the term “network-centric operations” refers
13 to the ability to exploit all human and technical elements
14 of the Joint Force and mission partners through the full
15 integration of collected information, awareness, knowl-
16 edge, experience, and decisionmaking, enabled by secure
17 access and distribution, all to achieve agility and effective-
18 ness in a dispersed, decentralized, dynamic, or uncertain
19 operational environment.

20 **SEC. 822. ANNUAL JOINT REPORT AND COMPTROLLER**
21 **GENERAL REVIEW ON CONTRACTING IN IRAQ**
22 **AND AFGHANISTAN.**

23 The National Defense Authorization Act for Fiscal
24 Year 2008 (Public Law 110–181; 122 Stat. 258; 10
25 U.S.C. 2302 note) is amended by adding at the end of

1 subtitle F of title VIII the following new section (and con-
2 forming the table of sections for such subtitle at the begin-
3 ning of title VIII and at the beginning of such Act accord-
4 ingly):

5 **“SEC. 865. ANNUAL JOINT REPORT AND COMPTROLLER**
6 **GENERAL REVIEW ON CONTRACTING IN IRAQ**
7 **AND AFGHANISTAN.**

8 “(a) JOINT REPORT REQUIRED.—

9 “(1) IN GENERAL.—Every 12 months, the Sec-
10 retary of Defense, the Secretary of State, and the
11 Administrator of the United States Agency for
12 International Development shall submit to the rel-
13 evant committees of Congress a joint report on con-
14 tracts in Iraq or Afghanistan.

15 “(2) MATTERS COVERED.—A report under this
16 subsection shall, at a minimum, cover—

17 “(A) any significant developments or issues
18 with respect to contracts in Iraq and Afghani-
19 stan during the reporting period;

20 “(B) the plans of the departments and
21 agency for strengthening interagency coordina-
22 tion of contracts in Iraq and Afghanistan or in
23 future contingency operations, including plans
24 related to the common databases identified
25 under section 861(b)(4);

1 “(C) the desirability and feasibility of in-
2 cluding in the common databases identified
3 under section 861(b)(4) information about con-
4 tracts subject to the regulations required by
5 section 839 of the National Defense Authoriza-
6 tion Act for Fiscal Year 2011 (providing for ex-
7 tending and applying the requirements of sec-
8 tion 862 to additional areas designated or listed
9 in that section 839); and

10 “(D) the penalties, if any, imposed by the
11 departments and agency on contractors for fail-
12 ing to comply with requirements under section
13 861(e), including requirements to provide infor-
14 mation for the common databases identified
15 under section 861(b)(4).

16 “(3) REPORTING PERIOD.—A report under this
17 subsection shall cover a period of not less than 12
18 months.

19 “(4) SUBMISSION OF REPORTS.—The Secre-
20 taries and the Administrator shall submit an initial
21 report under this subsection not later than February
22 1, 2011, and shall submit an updated report by Feb-
23 ruary 1 of every year thereafter until February 1,
24 2013. If the total annual amount of obligations for
25 contracts in Iraq and Afghanistan combined is less

1 than \$250 million for the reporting period, for the
2 departments and agency combined, the Secretaries
3 and the Administrator may submit a letter docu-
4 menting this in place of a report.

5 “(b) COMPTROLLER GENERAL REVIEW AND RE-
6 PORT.—

7 “(1) IN GENERAL.—Within 180 days after sub-
8 mission of each annual joint report required under
9 subsection (a), but in no case later than August 5
10 of each year until 2013, the Comptroller General
11 shall review the joint report and interagency coordi-
12 nation of contracting in Iraq and Afghanistan and
13 submit to the relevant committees of Congress a re-
14 port on such review.

15 “(2) MATTERS COVERED.—A report under this
16 subsection shall, at minimum—

17 “(A) review how the Department of De-
18 fense, the Department of State, and the United
19 States Agency for International Development
20 are using the data contained in the common
21 databases identified under section 861(b)(4) in
22 managing, overseeing, and coordinating con-
23 tracting in Iraq and Afghanistan; and

24 “(B) assess the plans of the departments
25 and agency for strengthening interagency co-

1 ordination of contracts in Iraq and Afghanistan
2 or in future contingency operations, particularly
3 any plans related to the common databases
4 identified under section 861(b)(4).

5 “(3) ACCESS TO DATABASES AND OTHER IN-
6 FORMATION.—The Secretary of Defense, the Sec-
7 retary of State, and the Administrator of the United
8 States Agency for International Development shall
9 provide to the Comptroller General full access to in-
10 formation on contracts in Iraq and Afghanistan for
11 the purposes of the review carried out under this
12 subsection, including the common databases identi-
13 fied under section 861(b)(4).”.

14 **SEC. 823. EXTENSION OF COMPTROLLER GENERAL REVIEW**
15 **AND REPORT ON CONTRACTING IN IRAQ AND**
16 **AFGHANISTAN.**

17 Section 863 of the National Defense Authorization
18 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
19 258; 10 U.S.C. 2302 note) is amended by striking “2010”
20 in subsection (a)(3) and inserting “2011”.

21 **SEC. 824. INTERIM REPORT ON REVIEW OF IMPACT OF COV-**
22 **ERED SUBSIDIES ON ACQUISITION OF KC-45**
23 **AIRCRAFT.**

24 (a) INTERIM REPORT.—The Secretary of Defense
25 shall submit to the congressional defense committees an

1 interim report on any review of a covered subsidy initiated
2 pursuant to subsection (a) of section 886 of the Duncan
3 Hunter National Defense Authorization Act for Fiscal
4 Year 2009 (Public Law 110–417; 122 Stat. 4561) not
5 later than 60 days after the date of the initiation of the
6 review.

7 (b) REPORT CONTENTS.—The report required by
8 subsection (a) shall contain detailed findings relating to
9 the impact of the covered subsidy that led to the initiation
10 of the review on the source selection process for the KC–
11 45 Aerial Refueling Aircraft Program or any successor to
12 such program and whether the covered subsidy would pro-
13 vide an unfair competitive advantage to any bidder in the
14 source selection process.

15 **SEC. 825. REPORTS ON JOINT CAPABILITIES INTEGRATION**
16 **AND DEVELOPMENT SYSTEM.**

17 (a) INDEPENDENT ANALYSES.—

18 (1) IN GENERAL.—A comprehensive analysis of
19 the Joint Capabilities Integration and Development
20 System shall be independently performed by each of
21 the following:

22 (A) The Secretary of Defense.

23 (B) A federally funded research and devel-
24 opment center selected by the Secretary of De-
25 fense.

1 (2) MATTERS COVERED.—Each such analysis
2 shall—

3 (A) evaluate the entire Joint Capabilities
4 Integration and Development System and the
5 problems associated with it, with particular em-
6 phasis on the problems relating to the length of
7 time and the costs involved in identifying, as-
8 sessing, and validating joint military capability
9 needs; and

10 (B) identify the best solutions to the prob-
11 lems evaluated under subparagraph (A) and de-
12 velop recommendations to carry out those solu-
13 tions.

14 (3) REPORTS.—Not later than 6 months after
15 the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the Committees on Armed
17 Services of the Senate and the House of Representa-
18 tives—

19 (A) a report by the Secretary on the anal-
20 ysis performed by the Secretary under para-
21 graph (1), with particular emphasis on contin-
22 uous process improvement; and

23 (B) a report by the federally funded re-
24 search and development center selected under
25 paragraph (1)(B) on the analysis performed by

1 the center under paragraph (1), together with
2 such comments as the Secretary considers nec-
3 essary on the report.

4 (b) IMPLEMENTATION.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense—

8 (A) shall develop and begin implementing a
9 plan to address the problems with the Joint Ca-
10 pabilities Integration and Development System,
11 taking into account the recommendations devel-
12 oped in the analyses required under subsection
13 (a) and as part of a program to manage per-
14 formance in establishing joint military require-
15 ments; and

16 (B) shall submit to the Committees on
17 Armed Services of the Senate and the House of
18 Representatives a report on the plan, including,
19 at a minimum, a timeline, objectives, mile-
20 stones, and projected resource requirements.

21 (2) REPORT FORMAT.—The report required
22 under paragraph (1)(B) may be included as part of
23 any report relating to a program to manage per-
24 formance in establishing joint military requirements.

1 **Subtitle D—Other Matters**

2 **SEC. 831. EXTENSION OF AUTHORITY FOR DEFENSE ACQUI-**
3 **SITION CHALLENGE PROGRAM.**

4 Section 2359b(k) of title 10, United States Code, is
5 amended by striking “2012” and inserting “2017”.

6 **SEC. 832. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

7 (a) **COMPETITION REQUIREMENTS FOR TASK OR DE-**
8 **LIVERY ORDERS UNDER ENERGY SAVINGS PERFORM-**
9 **ANCE CONTRACTS.**—Section 801 of the National Energy
10 Conservation Policy Act (42 U.S.C. 8287) is amended by
11 adding at the end the following:

12 “(c) **TASK OR DELIVERY ORDERS.**—(1) The head of
13 a Federal agency may issue a task or delivery order under
14 an energy savings performance contract by—

15 “(A) notifying all contractors that have received
16 an award under such contract that the agency pro-
17 poses to discuss energy savings performance services
18 for some or all of its facilities and, following a rea-
19 sonable period of time to provide a proposal in re-
20 sponse to the notice, soliciting from such contractors
21 the submission of expressions of interest in, and con-
22 tractor qualifications for, performing site surveys or
23 investigations and feasibility designs and studies,
24 and including in the notice summary information
25 concerning energy use for any facilities that the

1 agency has specific interest in including in such task
2 or delivery order;

3 “(B) reviewing all expressions of interest and
4 qualifications submitted pursuant to the notice
5 under subparagraph (A);

6 “(C) selecting two or more contractors (from
7 among those reviewed under subparagraph (B)) to
8 conduct discussions concerning the contractors’ re-
9 spective qualifications to implement potential energy
10 conservation measures, including—

11 “(i) requesting references and specific de-
12 tailed examples with respect to similar efforts
13 and the resulting energy savings of such similar
14 efforts; and

15 “(ii) requesting an explanation of how such
16 similar efforts relate to the scope and content
17 of the task or delivery order concerned;

18 “(D) selecting and authorizing—

19 “(i) more than one contractor (from
20 among those selected under subparagraph (C))
21 to conduct site surveys, investigations, feasi-
22 bility designs and studies or similar assess-
23 ments for the energy savings performance con-
24 tract services (or for discrete portions of such
25 services), for the purpose of allowing each such

1 contractor to submit a firm, fixed-price proposal
2 to implement specific energy conservation meas-
3 ures; or

4 “(ii) one contractor (from among those se-
5 lected under subparagraph (C)) to conduct a
6 site survey, investigation, a feasibility design
7 and study or similar assessment for the purpose
8 of allowing the contractor to submit a firm,
9 fixed-price proposal to implement specific en-
10 ergy conservation measures;

11 “(E) providing a debriefing to any contractor
12 not selected under subparagraph (D);

13 “(F) negotiating a task or delivery order for en-
14 ergy savings performance contracting services with
15 the contractor or contractors selected under sub-
16 paragraph (D) based on the energy conservation
17 measures identified; and

18 “(G) issuing a task or delivery order for energy
19 savings performance contracting services to such
20 contractor or contractors.

21 “(2) The issuance of a task or delivery order for en-
22 ergy savings performance contracting services pursuant to
23 paragraph (1) is deemed to satisfy the task and delivery
24 order competition requirements in section 2304c(d) of title
25 10, United States Code, and section 303J(d) of the Fed-

1 eral Property and Administrative Services Act of 1949 (41
2 U.S.C. 253j(d)).

3 “(3) The Secretary may issue guidance as necessary
4 to agencies issuing task or delivery orders pursuant to
5 paragraph (1).”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) is inapplicable to task or delivery orders
8 issued before the date of enactment of this Act.

9 **SEC. 833. CONSIDERATION OF SUSTAINABLE PRACTICES IN**
10 **PROCUREMENT OF PRODUCTS AND SERV-**
11 **ICES.**

12 (a) CONSIDERATION OF SUSTAINABLE PRACTICES.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall develop and issue guidance directing the Sec-
15 retary of each military department and the head of
16 each defense agency to consider sustainable practices
17 in the procurement of products and services. Such
18 guidance shall ensure that strategies for acquiring
19 products or services to meet departmental or agency
20 performance requirements favor products or services
21 described in paragraph (2) if such products or serv-
22 ices can be acquired on a life cycle cost-neutral
23 basis.

24 (2) PRODUCTS OR SERVICES.—A product or
25 service described in this paragraph is a product or

1 service that is energy-efficient, water-efficient,
2 biobased, environmentally preferable, non-ozone-de-
3 depleting, contains recycled content, is non-toxic, or is
4 less toxic than alternative products or services.

5 (b) EXCEPTION.—Subsection (a) does not apply to
6 the acquisition of weapon systems or components of weap-
7 on systems.

8 **SEC. 834. DEFINITION OF MATERIALS CRITICAL TO NA-**
9 **TIONAL SECURITY.**

10 Section 187 of title 10, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(e) DEFINITIONS.—In this section:

14 “(1) The term ‘materials critical to national se-
15 curity’ means materials—

16 “(A) upon which the production or
17 sustainment of military equipment is depend-
18 ent; and

19 “(B) the supply of which could be re-
20 stricted by actions or events outside the control
21 of the Government of the United States.

22 “(2) The term ‘military equipment’ means
23 equipment used directly by the armed forces to carry
24 out military operations.”.

1 **SEC. 835. DETERMINATION OF STRATEGIC OR CRITICAL**
2 **RARE EARTH MATERIALS FOR DEFENSE AP-**
3 **PLICATIONS.**

4 (a) **ASSESSMENT REQUIRED.**—The Secretary of De-
5 fense shall undertake an assessment of the supply chain
6 for rare earth materials and determine which, if any, rare
7 earth materials are strategic materials and which rare
8 earth materials are materials critical to national security.
9 For the purposes of the assessment—

10 (1) the Secretary may consider the views of
11 other Federal agencies, as appropriate;

12 (2) any study conducted by the Director, Indus-
13 trial Policy during fiscal year 2010 may be consid-
14 ered as partial fulfillment of the requirements of this
15 section;

16 (3) any study conducted by the Comptroller
17 General of the United States during fiscal year 2010
18 may be considered as partial fulfillment of the re-
19 quirements of this section; and

20 (4) the Secretary shall consider the sources of
21 rare earth materials (both in terms of source nations
22 and number of vendors) including rare earth ele-
23 ments, rare earth metals, rare earth magnets, and
24 other components containing rare earths.

25 (b) **PLAN.**—In the event that the Secretary deter-
26 mines that a rare earth material is a strategic material

1 or a material critical to national security, the Secretary
2 shall develop a plan to ensure the long-term availability
3 of such rare earth material, with a goal of establishing
4 domestic sources of such material by December 31, 2015.
5 In developing the plan, the Secretary shall consider all rel-
6 evant components of the value-chain, including mining,
7 processing, refining, and manufacturing. The plan shall
8 include consideration of numerous options with respect to
9 the material, including—

10 (1) an assessment of including the material in
11 the National Defense Stockpile;

12 (2) in consultation with the United States
13 Trade Representative, the identification of any trade
14 practices known to the Secretary that limit the Sec-
15 retary's ability to ensure the long-term availability of
16 such material or the ability to meet the goal of es-
17 tablishing domestic sources of such material by De-
18 cember 31, 2015;

19 (3) an assessment of the availability of financ-
20 ing to industry, academic institutions, or not-for-
21 profit entities to provide the capacity required to en-
22 sure the availability of the material and potential
23 mechanisms to increase the availability of such fi-
24 nancing;

1 (4) the benefits, if any, of Defense Production
2 Act funding to support the establishment of a do-
3 mestic rare earth manufacturing capability for mili-
4 tary components;

5 (5) funding for research and development of
6 any aspect of the rare earth supply-chain;

7 (6) any other risk mitigation method deter-
8 mined appropriate by the Secretary that is con-
9 sistent with the goal of establishing domestic sources
10 by December 31, 2015; and

11 (7) for components of the rare earth material
12 supply-chain for which no other risk mitigation
13 method, in accordance with paragraphs (1) through
14 (6), will ensure the establishment of a domestic
15 source by December 31, 2015, a specific plan to
16 eliminate supply-chain vulnerability by the earliest
17 date practicable.

18 (c) REPORT.—

19 (1) REQUIREMENT.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense shall submit to the congressional
22 committees described in paragraph (2) a report con-
23 taining the findings of the assessment under sub-
24 section (a) and the plan (if any) developed under
25 subsection (b).

1 (2) CONGRESSIONAL COMMITTEES.—The con-
2 gressional committees described in this paragraph
3 are as follows:

4 (A) The congressional defense committees.

5 (B) The Committee on Financial Services
6 and the Committee on Ways and Means of the
7 House of Representatives.

8 (C) The Committee on Finance and the
9 Committee on Banking, Housing, and Urban
10 Affairs of the Senate.

11 (d) DEFINITIONS.—In this section:

12 (1) STRATEGIC MATERIAL.—The term “stra-
13 tegic material” means a material—

14 (A) which is essential for military equip-
15 ment;

16 (B) which is unique in the function it per-
17 forms; and

18 (C) for which there are no viable alter-
19 natives.

20 (2) MATERIALS CRITICAL TO NATIONAL SECUR-
21 RITY.—The term “materials critical to national secu-
22 rity” has the meaning provided by section 187(e) of
23 title 10, United States Code, as amended by section
24 827 of this Act.

1 **SEC. 836. REVIEW OF NATIONAL SECURITY EXCEPTION TO**
2 **COMPETITION.**

3 (a) REVIEW REQUIRED.—The Secretary of Defense
4 shall review the implementation by the Department of De-
5 fense of the national security exception to full and open
6 competition provided in section 2304(c)(6) of title 10,
7 United States Code.

8 (b) MATTERS REVIEWED.—The review of the imple-
9 mentation of the national security exception required by
10 subsection (a) shall include—

11 (1) the pattern of usage of such exception by
12 acquisition organizations within the Department to
13 determine which organizations are commonly using
14 the exception and the frequency of such usage;

15 (2) the range of items or services being ac-
16 quired through the use of such exception;

17 (3) the process for reviewing and approving jus-
18 tifications involving such exception;

19 (4) whether the justifications for use of such
20 exception typically meet the relevant requirements of
21 the Federal Acquisition Regulation applicable to the
22 use of such exception;

23 (5) issues associated with follow-on procure-
24 ments for items or services acquired using such ex-
25 ception; and

1 (6) potential additional instances where such
2 exception could be applied and any authorities avail-
3 able to the Department of Defense other than such
4 exception that could be applied in such instances.

5 (c) REPORT.—Not later than 270 days after the date
6 of the enactment of this Act, the Secretary of Defense
7 shall submit to the Committees on Armed Services of the
8 Senate and of the House of Representatives a report on
9 the review required by subsection (a), including a discus-
10 sion of each of the matters specified in subsection (b). The
11 report shall include any recommendations relating to the
12 matters reviewed that the Secretary considers appropriate.
13 The report shall be submitted in unclassified form but
14 may include a classified annex.

15 (d) REGULATIONS.—

16 (1) REQUIREMENT.—Not later than 270 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the congressional
19 committees described in paragraph (2) draft regula-
20 tions on the implementation of the national security
21 exception to full and open competition provided in
22 section 2304(c)(6) of title 10, United States Code,
23 taking into account the results of the review re-
24 quired by subsection (a).

1 (2) CONGRESSIONAL COMMITTEES.—The con-
2 gressional committees described in this paragraph
3 are the following:

4 (A) The Committee on Armed Services and
5 the Committee on Homeland Security and Gov-
6 ernmental Affairs of the Senate.

7 (B) The Committee on Armed Services and
8 the Committee on Oversight and Government
9 Reform of the House of Representatives.

10 **SEC. 837. INCLUSION OF BRIBERY IN DISCLOSURE RE-**
11 **QUIREMENTS OF THE FEDERAL AWARDEE**
12 **PERFORMANCE AND INTEGRITY INFORMA-**
13 **TION SYSTEM.**

14 (a) INCLUSION OF BRIBERY IN DISCLOSURE RE-
15 QUIREMENTS.—Section 872(c) of the Duncan Hunter Na-
16 tional Defense Authorization Act for Fiscal Year 2009
17 (Public Law 110–417; 122 Stat. 4556) is amended by
18 adding at the end the following new paragraph:

19 “(8) To the maximum extent practical, informa-
20 tion similar to the information covered by paragraph
21 (1) in connection with any law relating to bribery of
22 a country which is a signatory of the Convention on
23 Combating Bribery of Foreign Public Officials in
24 International Business Transactions, signed at Paris
25 on December 17, 1997.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect not later than 90 days after
3 the date of the enactment of this Act.

4 **SEC. 838. REQUIREMENT FOR ENTITIES WITH FACILITY**
5 **CLEARANCES THAT ARE NOT UNDER FOR-**
6 **EIGN OWNERSHIP CONTROL OR INFLUENCE**
7 **MITIGATION.**

8 (a) REQUIREMENT.—The Secretary of Defense shall
9 require the directors of a covered entity to establish a gov-
10 ernment security committee that shall ensure that the cov-
11 ered entity employs and maintains policies and procedures
12 that meet requirements under the national industrial secu-
13 rity program.

14 (b) COVERED ENTITY.—A covered entity under this
15 section is an entity—

16 (1) to which the Department of Defense has
17 granted a facility clearance;

18 (2) that is not subject to foreign ownership con-
19 trol or influence mitigation measures; and

20 (3) that is a corporation.

21 (c) DISCRETIONARY REQUIREMENT.—The Secretary
22 of Defense may require that the requirement in subsection
23 (a) apply to an entity that meets the elements described
24 in paragraphs (1) and (2) of subsection (b) and is a lim-
25 ited liability company, sole proprietorship, nonprofit cor-

1 poration, partnership, academic institution, or any other
2 entity holding a facility clearance.

3 (d) GUIDANCE.—The Secretary of Defense shall de-
4 velop implementing guidance for the requirement in sub-
5 section (a).

6 (e) GOVERNMENT SECURITY COMMITTEE.—For the
7 purposes of this section, a government security committee
8 is a subcommittee of a covered entity’s board of directors,
9 made up of resident United States citizens, that is respon-
10 sible for ensuring that the covered entity complies with
11 the requirements of the national industrial security pro-
12 gram.

13 **SEC. 839. REPORT RELATED TO MINORITY-OWNED, WOMEN-**
14 **OWNED, AND DISADVANTAGED-OWNED**
15 **SMALL BUSINESSES.**

16 Not later than December 1, 2010, the Secretary of
17 Defense shall provide to the Congressional Black Caucus
18 a report that includes a list of minority-owned, women-
19 owned, and disadvantaged-owned small businesses that re-
20 ceive contracts resulting from authorized funding to the
21 Department of Defense. The list shall cover the 10 cal-
22 endar years preceding the date of the enactment of this
23 Act and shall include, for each listed business, the name
24 of the business and the business owner and the amount
25 of the contract award.

1 **SEC. 840. DEFENSE INDUSTRIAL BASE PRIORITY FOR RARE**
2 **EARTH NEODYMIUM IRON BORON MAGNETS.**

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

4 (1) There is an urgent need to restore the
5 United States capability to manufacture sintered ne-
6odymium iron boron magnets for use in defense ap-
7plications and there is an urgent need to eliminate
8the domestic supply-chain vulnerability related to
9these key materials in the defense supply-chain.

10 (2) An April 14, 2010 report by the Govern-
11ment Accountability Office entitled “Rare Earth Ma-
12terials in the Defense Supply Chain” dem-
13onstrates—

14 (A) the “United States is not currently
15producing neodymium iron boron magnets,” a
16key rare earth material;

17 (B) that future availability of neodymium
18is largely controlled by Chinese suppliers;

19 (C) that alternatives to rare earth mate-
20rials could reduce the demand and dependence
21on rare earth materials in 10 to 15 years, but
22these materials might not meet current applica-
23tion requirements;

24 (D) where rare earth materials are used in
25defense systems, the materials are responsible
26for the functionality of the component and

1 would be difficult to replace without losing per-
2 formance;

3 (E) fin actuators used in precision-guided
4 munitions are specifically designed around the
5 capabilities of neodymium iron boron rare earth
6 magnets, which are primarily available from
7 Chinese suppliers;

8 (F) the DDG-51 Hybrid Electric Drive
9 Ship Program uses permanent-magnet motors
10 using neodymium magnets from China; and

11 (G) future generations of some defense
12 system components, such as transmit and re-
13 ceive modules for radars, will continue to de-
14 pend on rare earth materials.

15 (3) The United States has the technological ca-
16 pability to restore its neodymium iron boron manu-
17 facturing capability.

18 (4) Worldwide supplies of rare earth materials,
19 including neodymium, are expected to tighten signifi-
20 cantly within the next 3–5 years.

21 (5) A domestic effort to restore domestic sin-
22 tered neodymium iron boron magnet manufacturing
23 capability, including efforts to qualify those magnets
24 for use in defense applications, will take between 3–

1 5 years and should begin immediately to avoid fu-
2 ture weapon system delivery disruption.

3 (b) REQUIREMENT.—Not later than 90 days after the
4 date of the enactment of this Act, the Secretary shall sub-
5 mit to the Committees on Armed Services of the House
6 of Representatives and the Senate a plan to establish a
7 domestic source of sintered neodymium iron boron
8 magnets for use in the defense supply chain.

9 (c) SINTERED NEODYMIUM IRON BORON
10 MAGNETS.—For the purposes of subsection (b), the capa-
11 bility to manufacture sintered neodymium iron boron
12 magnets includes the alloying, pressing, and sintering of
13 magnet materials. It does not include manufacturing
14 magnets from standard shapes or imported blocks of neo-
15 dymium. The Secretary’s plan shall not allow the grinding
16 or reprocessing of neodymium to be considered a “domes-
17 tic source of sintered neodymium iron boron magnets”.

18 **SEC. 841. SENSE OF CONGRESS REGARDING COST SAVINGS**
19 **THROUGH REDUCTIONS IN WASTE, FRAUD,**
20 **AND ABUSE.**

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

22 (1) The Secretary of Defense has undertaken
23 meaningful efforts to eliminate waste, fraud, and
24 abuse through contractor oversight and new policies

1 and procedures aimed at increasing emphasis on eth-
2 ics, governance, and fraud prevention.

3 (2) The Government Accountability Office re-
4 port dated December 16, 2009, on the status of
5 3,099 recommendations made to the Department of
6 Defense by the Government Accountability Office be-
7 tween 2001 and 2008, indicates that the Depart-
8 ment of Defense has implemented 1,871, or 61 per-
9 cent, of the recommendations.

10 (3) The Government Accountability Office esti-
11 mates that the implementation of these rec-
12 ommendations yielded the Federal Government a
13 savings of \$89 billion from 2001 through 2007,
14 averaging \$12.7 billion in annual financial benefit.

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

17 (1) there is potential for additional and signifi-
18 cant cost savings through further reductions by the
19 Secretary of Defense in waste, fraud, and abuse,
20 particularly with regard to contracting processes;
21 and

22 (2) the Secretary of Defense should make im-
23 plementation of the remaining Government Account-
24 ability Office recommendations an utmost priority of
25 the Department of Defense.

1 **SEC. 842. PROCUREMENT OF ARTICLES, MATERIALS, AND**
2 **SUPPLIES FOR USE OUTSIDE THE UNITED**
3 **STATES.**

4 (a) REQUIREMENT.—In procuring articles, materials,
5 or supplies for use outside of the United States, including
6 procurements for military construction projects, the De-
7 partment of Defense shall solicit bids from United States
8 sources.

9 (b) EXCEPTION.—Subsection (a) shall not apply if
10 the articles, materials, or supplies to be procured are—

11 (1) not mined, produced, or manufactured in
12 the United States in sufficient and reasonably avail-
13 able quantities;

14 (2) needed on an urgent basis and not acquired
15 on a regular basis; or

16 (3) perishable, or will otherwise degrade be-
17 cause of the time involved in shipping.

18 **SEC. 843. ADDITIONAL INFORMATION ON WAIVERS UNDER**
19 **BUY AMERICAN ACT BY DEPARTMENT OF DE-**
20 **FENSE REQUIRED TO BE INCLUDED IN AN-**
21 **NUAL REPORT.**

22 Section 812 of the National Defense Authorization
23 Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.
24 2501 note) is amended in subsection (c)(2)(A) by striking
25 clause (vi) and inserting the following:

1 “(v) An itemized list of all waivers granted
2 with respect to such articles, materials, or sup-
3 plies under the Buy American Act (41 U.S.C.
4 10a et seq.), including—

5 “(I) an analysis of the domestic ca-
6 pacity to supply the articles, materials, or
7 supplies; and

8 “(II) an analysis of the reasons for an
9 increase or decrease in the number of
10 waivers granted from fiscal year to fiscal
11 year.”.

12 **SEC. 844. REQUIREMENT TO INCLUDE EFFECTS ON DOMES-**
13 **TIC JOBS IN PERIODIC ASSESSMENTS OF DE-**
14 **FENSE CAPABILITY.**

15 Section 2505(b)(4) of title 10, United States Code,
16 is amended by inserting after “title)” the following: “, in-
17 cluding the effects on domestic jobs,”.

18 **SEC. 845. EXTENSION OF REGULATIONS ON CONTRACTORS**
19 **PERFORMING PRIVATE SECURITY FUNC-**
20 **TIONS.**

21 (a) **EXTENSION OF REGULATIONS.—**

22 (1) **IN GENERAL.—**The Secretary of Defense, in
23 coordination with the Secretary of State, shall issue
24 regulations to extend and apply the requirements of
25 section 862 of the National Defense Authorization

1 Act for Fiscal Year 2008 (Public Law 110–181; 10
2 U.S.C. 2302 note) to additional areas as designated
3 under paragraph (2) and as listed in paragraph (3).

4 (2) ADDITIONAL AREAS DESIGNATED.—The
5 Secretary of Defense shall designate as additional
6 areas for purposes of this section any area—

7 (A) that is an area within a foreign coun-
8 try or an area covering all or part of more than
9 one foreign country;

10 (B) that is not an area of combat oper-
11 ations as designated under subsection (c) of
12 section 862 of such Act; and

13 (C) in which significant military oper-
14 ations, as designated by the Secretary, are
15 being carried out by United States Armed
16 Forces.

17 (3) ADDITIONAL AREAS LISTED.—In addition
18 to any areas designated by the Secretary under
19 paragraph (2), the following areas shall be consid-
20 ered additional areas listed in this paragraph for
21 purposes of this section:

22 (A) The Horn of Africa region.

23 (B) Yemen.

24 (C) The Philippines.

25 (D) Haiti.

1 (b) EXTENSION TIMELINES.—The Secretary shall
2 prescribe regulations applicable to the additional areas—

3 (1) designated under subsection (a)(2), not
4 later than March 1, 2012; and

5 (2) listed in subsection (a)(3), not later than
6 March 1, 2011.

7 (c) REPORT ON IMPLEMENTATION.—Not later than
8 90 days after the dates specified in subsection (b), the
9 Secretary of Defense, in coordination with the Secretary
10 of State, shall submit to Congress a report on the imple-
11 mentation of the regulations prescribed under this section.
12 The report shall include—

13 (1) a complete list of additional areas des-
14 ignated by the Secretary under subsection (a)(2),
15 and a detailed description of the criteria used to
16 make the designation;

17 (2) the total number of contractors performing
18 private security functions in each additional area
19 designated under subsection (a)(2) or listed in sub-
20 jection (a)(3); and

21 (3) an assessment of the long-term options for
22 reducing the use of contractors for private security
23 functions, including the use of Government per-
24 sonnel to provide such functions.

1 (d) PRIVATE SECURITY FUNCTIONS.—Notwith-
2 standing section 864 of the National Defense Authoriza-
3 tion Act for Fiscal Year 2008 (Public Law 110–181), as
4 amended by section 813 of the National Defense Author-
5 ization Act for Fiscal Year 2010 (Public Law 111–84),
6 in this section, the term “private security functions”
7 means activities engaged in by a contractor as follows:

8 (1) Guarding of personnel, facilities, or prop-
9 erty of a Federal agency.

10 (2) Any other activity for which personnel are
11 required to carry weapons in the performance of
12 their duties.

13 **SEC. 846. PROCUREMENT OF PHOTOVOLTAIC DEVICES.**

14 (a) CONTRACT REQUIREMENT.—The Secretary of
15 Defense shall ensure that each contract awarded by the
16 Department of Defense that includes the procurement of
17 photovoltaic devices, including contracts described in sub-
18 section (b), includes a provision requiring the photovoltaic
19 devices to comply with the Buy American Act (41 U.S.C.
20 10a et seq.).

21 (b) CONTRACTS DESCRIBED.—The contracts de-
22 scribed in this subsection include, but are not limited to,
23 energy savings performance contracts, utility service con-
24 tracts, land leases, and private housing contracts.

1 (c) DEFINITION OF PHOTOVOLTAIC DEVICES.—In
2 this section, the term “photovoltaic devices” means devices
3 that convert light directly into electricity through a solid-
4 state, semiconductor process.

5 **SEC. 847. REQUIREMENT FOR CONTRACTS IN IRAQ AND AF-**
6 **GHANISTAN TO USE EMPLOYEES AND NOT**
7 **INDEPENDENT CONTRACTORS FOR PRIVATE**
8 **SECURITY SERVICES.**

9 (a) REQUIREMENT.—Any contract in Iraq or Afghan-
10 istan for the procurement of private security services shall
11 contain a requirement that, in the case of any contractor
12 using individuals who are United States citizens and re-
13 quired to have a United States security clearance to per-
14 form private security services under the contract, the con-
15 tractor shall use employees and not independent contrac-
16 tors for the provision of such services.

17 (b) CONTRACT IN IRAQ OR AFGHANISTAN.—In this
18 section, the term “contract in Iraq or Afghanistan” means
19 a contract with the Department of Defense, the Depart-
20 ment of State, or the United States Agency for Inter-
21 national Development, a subcontract at any tier issued
22 under such a contract, or a task order or delivery order
23 at any tier issued under such a contract (including a con-
24 tract, subcontract, or task order or delivery order issued
25 by another Government agency for the Department of De-

1 fense, the Department of State, or the United States
2 Agency for International Development), if the contract,
3 subcontract, or task order or delivery order involves work
4 performed in Iraq or Afghanistan for a period longer than
5 14 days.

6 (c) PRIVATE SECURITY SERVICES.—In this section,
7 the term “private security services” means activities en-
8 gaged in by a contractor under a contract in Iraq or Af-
9 ghanistan and includes—

10 (1) guarding of personnel, facilities, or property
11 of a Federal agency, the contractor or subcontractor,
12 or a third party;

13 (2) any other activity for which personnel are
14 required to carry weapons in the performance of
15 their duties; and

16 (3) training in any activity covered by para-
17 graph (1) or (2).

18 (d) WAIVER AUTHORITY.—The Secretary of Defense,
19 the Secretary of State, or the Administrator of the United
20 States Agency for International Development may waive
21 the requirement in subsection (a) with respect to a con-
22 tract of the Department of Defense, the Department of
23 State, or the United States Agency for International De-
24 velopment, respectively, if the Secretary concerned or the
25 Administrator—

1 (1) determines in writing that a waiver is nec-
2 essary in the interests of national security; and

3 (2) submits to Congress a notification of such
4 waiver.

5 **SEC. 848. CONSIDERATION OF UNFAIR COMPETITIVE AD-**
6 **VANTAGE IN EVALUATION OF OFFERS FOR**
7 **KC-X AERIAL REFUELING AIRCRAFT PRO-**
8 **GRAM.**

9 (a) **REQUIREMENT TO CONSIDER UNFAIR COMPETI-**
10 **TIVE ADVANTAGE.**—In awarding a contract for the KC-
11 X aerial refueling aircraft program (or any successor to
12 that program), the Secretary of Defense shall, in evalu-
13 ating any offers submitted to the Department of Defense
14 in response to a solicitation for offers for such program,
15 consider any unfair competitive advantage that an offeror
16 may possess.

17 (b) **REPORT.**—Not later than 60 days after submis-
18 sion of offers in response to any such solicitation, the Sec-
19 retary of Defense shall submit to the congressional defense
20 committees a report on any unfair competitive advantage
21 that any offeror may possess.

22 (c) **REQUIREMENT TO TAKE FINDINGS INTO AC-**
23 **COUNT IN AWARD OF CONTRACT.**—In awarding a contract
24 for the KC-X aerial refueling aircraft program (or any
25 successor to that program), the Secretary of Defense shall

1 take into account the findings of the report submitted
2 under subsection (b).

3 (d) UNFAIR COMPETITIVE ADVANTAGE.—In this sec-
4 tion, the term “unfair competitive advantage”, with re-
5 spect to an offer for a contract, means a situation in which
6 the cost of development, production, or manufacturing is
7 not fully borne by the offeror for such contract.

8 **SEC. 849. DEBARMENT OF BP AND ITS SUBSIDIARIES.**

9 (a) CONTRACTS WITH BP AND ITS SUBSIDIARIES.—
10 If the Secretary of Defense determines that BP or any
11 of its subsidiaries performing any contract with the De-
12 partment of Defense is no longer a responsible source (as
13 defined in section 2302 of title 10, United States Code),
14 the Secretary shall determine, not later than 90 days after
15 making such determination, whether BP or its subsidi-
16 aries should be debarred from contracting with the De-
17 partment of Defense.

18 (b) DEBAR.—In this section, the term “debar” has
19 the meaning given that term by section 2393(c) of title
20 10, United States Code.

21 **SEC. 850. OFFICE OF FEDERAL PROCUREMENT POLICY ACT**

22 **AMENDMENTS.**

23 (a) SERVICE CONTRACT INVENTORY REQUIRE-
24 MENT.—

1 (1) IN GENERAL.—The Office of Federal Pro-
2 curement Policy Act (41 U.S.C. 403 et seq.) is
3 amended by adding at the end the following new sec-
4 tion:

5 **“SEC. 45. SERVICE CONTRACT INVENTORY REQUIREMENT.**

6 “(a) SERVICE CONTRACT INVENTORY REQUIRE-
7 MENT.—

8 “(1) GUIDANCE.—The Director of the Office of
9 Management and Budget shall develop and dissemi-
10 nate guidance to aid executive agencies in estab-
11 lishing systems for the collection of information re-
12 quired to meet the requirements of this section and
13 to ensure consistency of inventories across agencies.

14 “(2) REPORT.—The Director of the Office of
15 Management and Budget shall submit a report to
16 Congress on the status of efforts to enable executive
17 agencies to prepare the inventories required under
18 paragraph (3), including the development, as appro-
19 priate, of guidance, methodologies, and technical
20 tools.

21 “(3) INVENTORY CONTENTS.—Not later than
22 December 31, 2010, and annually thereafter, the
23 head of each executive agency required to submit an
24 inventory in accordance with the Federal Activities
25 Inventory Reform Act of 1998 (Public Law 105–

1 270; 31 U.S.C. 501 note), other than the Depart-
2 ment of Defense, shall submit to the Office of Man-
3 agement and Budget an annual inventory of service
4 contracts awarded or extended through the exercise
5 of an option or a task order, for or on behalf of such
6 agency. For each service contract, the entry for an
7 inventory under this section shall include, for the
8 preceding fiscal year, the following:

9 “(A) A description of the services pur-
10 chased by the executive agency and the role the
11 services played in achieving agency objectives,
12 regardless of whether such a purchase was
13 made through a contract or task order.

14 “(B) The organizational component of the
15 executive agency administering the contract,
16 and the organizational component of the agency
17 whose requirements are being met through con-
18 tractor performance of the service.

19 “(C) The total dollar amount obligated for
20 services under the contract and the funding
21 source for the contract.

22 “(D) The total dollar amount invoiced for
23 services under the contract.

24 “(E) The contract type and date of award.

1 “(F) The name of the contractor and place
2 of performance.

3 “(G) The number and work location of
4 contractor and subcontractor employees, ex-
5 pressed as full-time equivalents for direct labor,
6 compensated under the contract, using direct
7 labor hours and associated cost data collected
8 from contractors.

9 “(H) Whether the contract is a personal
10 services contract.

11 “(I) Whether the contract was awarded on
12 a noncompetitive basis, regardless of date of
13 award.

14 “(b) FORM.—Reports required under this section
15 shall be submitted in unclassified form, but may include
16 a classified annex.

17 “(c) PUBLICATION.—Not later than 30 days after the
18 date on which the inventory under subsection (a)(3) is re-
19 quired to be submitted to the Office of Management and
20 Budget, the head of each executive agency shall—

21 “(1) make the inventory available to the public;
22 and

23 “(2) publish in the Federal Register a notice
24 that the inventory is available to the public.

1 “(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not
2 later than 90 days after the deadline for submitting inven-
3 tories under subsection (a)(3), and annually thereafter,
4 the Director of the Office of Management and Budget
5 shall submit to Congress and make publicly available on
6 the Office of Management and Budget website a report
7 on the inventories submitted. The report shall identify
8 whether each agency required to submit an inventory
9 under subsection (a)(3) has met such requirement and
10 summarize the information submitted by each executive
11 agency required to have a Chief Financial Officer pursu-
12 ant to section 901 of title 31, United States Code.

13 “(e) REVIEW AND PLANNING REQUIREMENTS.—Not
14 later than 180 days after the deadline for submitting in-
15 ventories under subsection (a)(3) for an executive agency,
16 the head of the executive agency, or an official designated
17 by the agency head shall—

18 “(1) review the contracts and information in
19 the inventory;

20 “(2) ensure that—

21 “(A) each contract in the inventory that is
22 a personal services contract has been entered
23 into, and is being performed, in accordance with
24 applicable laws and regulations;

1 “(B) the contracts do not include to the
2 maximum extent practicable functions that are
3 closely associated with inherently governmental
4 functions;

5 “(C) the agency is not using contractor
6 employees to perform inherently governmental
7 functions;

8 “(D) the agency has specific safeguards
9 and monitoring systems in place to ensure that
10 work being performed by contractors has not
11 changed or expanded during performance to be-
12 come an inherently governmental function;

13 “(E) the agency is not using contractor
14 employees to perform critical functions in such
15 a way that could affect the ability of the agency
16 to maintain control of its mission and oper-
17 ations; and

18 “(F) there are sufficient internal agency
19 resources to manage and oversee contracts ef-
20 fectively;

21 “(3) identify contracts that have been poorly
22 performed, as determined by a contracting officer,
23 because of excessive costs or inferior quality; and

24 “(4) identify contracts that should be consid-
25 ered for conversion to—

1 “(A) performance by Federal employees of
2 the executive agency in accordance with agency
3 insourcing guidelines required under section
4 736 of the Financial Services and General Gov-
5 ernment Appropriations Act, 2009 (Public Law
6 111–8, division D) and section 46 of this Act;
7 or

8 “(B) an alternative acquisition approach
9 that would better enable the agency to effi-
10 ciently utilize its assets and achieve its public
11 mission.

12 “(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO
13 ANNUAL INVENTORY.—Not later than one year after sub-
14 mitting an annual inventory under subsection (a)(3), the
15 head of each executive agency submitting such an inven-
16 tory shall submit to the Office of Management and Budget
17 a report summarizing the actions taken pursuant to sub-
18 section (e), including any actions taken to consider and
19 convert functions from contractor to Federal employee
20 performance. The report shall be included as an attach-
21 ment to the next annual inventory and made publicly
22 available in accordance with subsection (c).

23 “(g) SUBMISSION OF SERVICE CONTRACT INVEN-
24 TORY BEFORE PUBLIC-PRIVATE COMPETITION.—Not-
25 withstanding any other provision of law, beginning in fis-

1 cal year 2011, if an executive agency has not submitted
2 to the Office of Management and Budget the inventory
3 required under subsection (a)(3) for the prior fiscal year,
4 the agency may not begin, plan for, or announce a study
5 or public-private competition regarding the conversion to
6 contractor performance of any function performed by Fed-
7 eral employees pursuant to Office of Management and
8 Budget Circular A-76 or any other administrative regula-
9 tion or directive until such time as the inventory is sub-
10 mitted for the prior fiscal year.

11 “(h) GAO REPORTS ON IMPLEMENTATION.—

12 “(1) REPORT ON GUIDANCE.—Not later than
13 120 days after submission of the report by the Di-
14 rector of the Office of Management and Budget re-
15 quired under subsection (a)(2), the Comptroller Gen-
16 eral of the United States shall report on the guid-
17 ance issued and actions taken by the Director. The
18 report shall be submitted to the Committee on
19 Homeland Security and Governmental Affairs and
20 the Committee on Appropriations of the Senate and
21 the Committee on Oversight and Government Re-
22 form and the Committee on Appropriations of the
23 House of Representatives.

24 “(2) REPORTS ON INVENTORIES.—

1 “(A) INITIAL INVENTORY.—Not later than
2 September 30, 2011, the Comptroller General
3 of the United States shall submit a report to
4 the Committees named in the preceding para-
5 graph on the initial implementation by executive
6 agencies of the inventory requirement in sub-
7 section (a)(3) with respect to inventories re-
8 quired to be submitted by December 31, 2010.

9 “(B) SECOND INVENTORY.—Not later than
10 September 30, 2012, the Comptroller General
11 shall submit a report to the same Committees
12 on annual inventories required to be submitted
13 by December 31, 2011.

14 “(3) PERIODIC BRIEFINGS.—The Comptroller
15 General shall provide periodic briefings, as may be
16 requested by the Committees, on matters related to
17 implementation of this section.

18 “(i) EXECUTIVE AGENCY DEFINED.—In this section,
19 the term ‘executive agency’ has the meaning given the
20 term in section 4 of the Office of Federal Procurement
21 Policy Act (41 U.S.C. 403).”.

22 “(2) CLERICAL AMENDMENT.—The table of sec-
23 tions in section 1 of such Act is amended by adding
24 at the end the following new item:

“Sec. 45. Service contract inventory requirement.”.

1 (3) REPEAL OF SUPERSEDED LAW.—Section
2 743(c) of the Financial Services and General Gov-
3 ernment Appropriations Act, 2010 (Public Law
4 111–117; 123 Stat. 3216) is amended by striking
5 “and annually thereafter,”.

6 (b) PROHIBITION AGAINST DIRECT CONVERSIONS.—

7 (1) IN GENERAL.—Section 43(a)(1) of the Of-
8 fice of Federal Procurement Policy Act (41 U.S.C.
9 439) is amended by striking “10 or more”.

10 (2) GUIDANCE.—Not later than 60 days after
11 the date of the enactment of this Act, the Director
12 of the Office of Management and Budget shall issue
13 guidance to all Federal agencies other than the De-
14 partment of Defense to ensure that no function last
15 performed by Federal employees is converted to con-
16 tractor performance without complying with the re-
17 quirements of section 43 of such Act, as amended by
18 this section.

19 (c) GUIDELINES ON INSOURCING NEW AND CON-
20 TRACTED OUT FUNCTIONS.—

21 (1) IN GENERAL.—The Office of Federal Pro-
22 curement Policy Act (41 U.S.C. 403 et seq.), as
23 amended by subsection (a), is further amended by
24 adding at the end the following new section:

1 **“SEC. 46. GUIDELINES ON INSOURCING NEW AND CON-**
2 **TRACTED OUT FUNCTIONS.**

3 “(a) **GUIDELINES REQUIRED.**—(1) The heads of ex-
4 ecutive agencies subject to the Federal Activities Inventory
5 Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501
6 note) shall devise and implement guidelines and proce-
7 dures to ensure that consideration is given to using, on
8 a regular basis, Federal employees to perform new func-
9 tions and functions that are performed by contractors and
10 could be performed by Federal employees.

11 “(2) The guidelines and procedures required under
12 subparagraph (A) may not include any specific limitation
13 or restriction on the number of functions or activities that
14 may be converted to performance by Federal employees.

15 “(b) **SPECIAL CONSIDERATION FOR CERTAIN FUNC-**
16 **TIONS.**—The guidelines and procedures required under
17 paragraph (1) shall provide for special consideration to be
18 given to using Federal employees to perform any function
19 that—

20 “(1) is performed by a contractor and—

21 “(A) has been performed by Federal em-
22 ployees at any time during the previous 10
23 years;

24 “(B) is a function closely associated with
25 the performance of an inherently governmental
26 function;

1 “(C) has been performed pursuant to a
2 contract awarded on a non-competitive basis; or

3 “(D) has been performed poorly, as deter-
4 mined by a contracting officer during the 5-
5 year period preceding the date of such deter-
6 mination, because of excessive costs or inferior
7 quality; or

8 “(2) is a new requirement, with particular em-
9 phasis given to a new requirement that is similar to
10 a function previously performed by Federal employ-
11 ees or is a function closely associated with the per-
12 formance of an inherently governmental function.

13 “(c) EXCLUSION OF CERTAIN FUNCTIONS FROM
14 COMPETITIONS.—The head of an executive agency may
15 not conduct a public-private competition under Office of
16 Management and Budget Circular A-76 or any other pro-
17 vision of law or regulation before—

18 “(1) in the case of a new agency function, as-
19 signing the performance of the function to Federal
20 employees;

21 “(2) in the case of any agency function de-
22 scribed in paragraph (2), converting the function to
23 performance by Federal employees; or

1 “(3) in the case of an agency function per-
2 formed by Federal employees, expanding the scope
3 of the function.

4 “(d) DEADLINE.—(1) The head of each executive
5 agency shall implement the guidelines and procedures re-
6 quired under this subsection by not later than 120 days
7 after the date of the enactment of this subsection.

8 “(2) Not later than 210 days after the date of
9 the enactment of this subsection, the Government
10 Accountability Office shall submit a report on the
11 implementation of this subsection to the Committees
12 on Appropriations of the House of Representatives
13 and the Senate, the Committee on Oversight and
14 Government Reform of the House of Representa-
15 tives, and the Committee on Homeland Security and
16 Governmental Affairs of the Senate.

17 “(e) DEFINITIONS.—In this subsection:

18 “(1) The term ‘inherently governmental func-
19 tions’ has the meaning given such term in subpart
20 7.5 of part 7 of the Federal Acquisition Regulation.

21 “(2) The term ‘functions closely associated with
22 inherently governmental functions’ means the func-
23 tions described in section 7.503(d) of the Federal
24 Acquisition Regulation.

1 “(f) APPLICABILITY.—This subsection shall not apply
2 to the Department of Defense.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions in section 1 of such Act, as amended by sub-
5 section (a), is further amended by adding at the end
6 the following new item:

“Sec. 46. Guidelines on insourcing new and contracted out functions.”.

7 (3) REPEAL OF SUPERSEDED LAW.—Subsection
8 (b) of section 739 of division D of the Consolidated
9 Appropriations Act, 2008 (Public Law 110–161;
10 121 Stat. 2030) is repealed.

11 (d) CONVERSION OF FUNCTIONS TO PERFORMANCE
12 BY FEDERAL EMPLOYEES.—

13 (1) DECISION TO INSOURCE.—The Office of
14 Management and Budget shall not establish any nu-
15 merical goal, target, or quota for the conversion to
16 performance by Federal employees of functions pre-
17 viously performed by contractors unless such goal,
18 target, or quota is based on considered research and
19 analysis.

20 (2) REPORTS.—

21 (A) REPORT TO CONGRESS.—The Office of
22 Management and Budget shall submit to Con-
23 gress a report on the aggregate results of the
24 efforts of each Federal agency to convert func-
25 tions from contractor performance to perform-

1 ance by Federal agency employees made during
2 fiscal year 2010. Such report shall include—

3 (i) agency decisions for converting
4 such functions to Federal employee per-
5 formance;

6 (ii) the basis and rationale for the
7 agency decisions; and

8 (iii) the number of contractor employ-
9 ees whose functions were converted to per-
10 formance by Federal employees.

11 (B) COMPTROLLER GENERAL REPORT.—

12 Not later than 120 days after the submittal of
13 the report under paragraph (1), the Comp-
14 troller General of the United States shall sub-
15 mit to the Committee on Oversight and Govern-
16 ment Reform of the House of Representatives,
17 and the Committee on Homeland Security and
18 Governmental Affairs of the Senate an assess-
19 ment of the report.

20 (3) DEPARTMENT OF DEFENSE.—Nothing in
21 this subsection shall apply to the Department of De-
22 fense.

1 **SEC. 851. REQUIREMENT TO JUSTIFY THE USE OF FACTORS**
2 **OTHER THAN COST OR PRICE AS THE PRE-**
3 **DOMINATE FACTORS IN EVALUATING COM-**
4 **PETITIVE PROPOSALS FOR DEFENSE PRO-**
5 **CUREMENT CONTRACTS.**

6 (a) REQUIREMENT.—Subparagraph (A) of section
7 2305(a)(2) of title 10, United States Code, is amended—

8 (1) by striking “and” at the end of clause (i);

9 and

10 (2) by inserting after clause (ii) the following
11 new clause:

12 “(iii) in the case of a solicitation in which
13 factors other than cost or price when combined
14 are more important than cost or price, the rea-
15 sons why assigning at least equal importance to
16 cost or price would not better serve the Govern-
17 ment’s interest; and”.

18 (b) REPORT.—Section 2305(a)(3) of such title is
19 amended by adding at the end the following new subpara-
20 graph:

21 “(C) Not later than 180 days after the end of each
22 fiscal year, the Secretary of Defense shall submit to Con-
23 gress, and post on a publicly available website of the De-
24 partment of Defense, a report describing the solicitations
25 for which a statement pursuant to paragraph (2)(A)(iii)
26 was included.”.

1 **SEC. 852. PENALTIES ON CONTRACTORS NOT PROVIDING**
2 **INFORMATION TO DATABASES ON CON-**
3 **TRACTS IN IRAQ AND AFGHANISTAN.**

4 Section 861 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
6 2302 note) is amended by adding at the end the following
7 new subsection:

8 “(e) PENALTIES.—Any contract in Iraq or Afghani-
9 stan entered into or modified after September 1, 2011,
10 shall include a clause requiring the imposition of a pen-
11 alty, by the department or agency awarding the contract,
12 on any contractor that does not comply with requirements
13 under this section, including requirements in the memo-
14 randum of understanding required by subsection (a), to
15 provide information for the common databases identified
16 under subsection (b)(4), including updating the informa-
17 tion required. The penalty shall consist of the withholding
18 of award and incentive fees.”.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Department of Defense**
5 **Management**

6 **SEC. 901. REDESIGNATION OF THE DEPARTMENT OF THE**
7 **NAVY AS THE DEPARTMENT OF THE NAVY**
8 **AND MARINE CORPS.**

9 (a) REDESIGNATION OF THE DEPARTMENT OF THE
10 NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE
11 CORPS.—

12 (1) REDESIGNATION OF MILITARY DEPART-
13 MENT.—The military department designated as the
14 Department of the Navy is redesignated as the De-
15 partment of the Navy and Marine Corps.

16 (2) REDESIGNATION OF SECRETARY AND
17 OTHER STATUTORY OFFICES.—

18 (A) SECRETARY.—The position of the Sec-
19 retary of the Navy is redesignated as the Sec-
20 retary of the Navy and Marine Corps.

21 (B) OTHER STATUTORY OFFICES.—The
22 positions of the Under Secretary of the Navy,
23 the four Assistant Secretaries of the Navy, and
24 the General Counsel of the Department of the
25 Navy are redesignated as the Under Secretary

1 of the Navy and Marine Corps, the Assistant
2 Secretaries of the Navy and Marine Corps, and
3 the General Counsel of the Department of the
4 Navy and Marine Corps, respectively.

5 (b) CONFORMING AMENDMENTS TO TITLE 10,
6 UNITED STATES CODE.—

7 (1) DEFINITION OF “MILITARY DEPART-
8 MENT”.—Paragraph (8) of section 101(a) of title
9 10, United States Code, is amended to read as fol-
10 lows:

11 “(8) The term ‘military department’ means the
12 Department of the Army, the Department of the
13 Navy and Marine Corps, and the Department of the
14 Air Force.”.

15 (2) ORGANIZATION OF DEPARTMENT.—The text
16 of section 5011 of such title is amended to read as
17 follows: “The Department of the Navy and Marine
18 Corps is separately organized under the Secretary of
19 the Navy and Marine Corps.”.

20 (3) POSITION OF SECRETARY.—Section
21 5013(a)(1) of such title is amended by striking
22 “There is a Secretary of the Navy” and inserting
23 “There is a Secretary of the Navy and Marine
24 Corps”.

25 (4) CHAPTER HEADINGS.—

1 (A) The heading of chapter 503 of such
2 title is amended to read as follows:

3 **“CHAPTER 503—DEPARTMENT OF THE**
4 **NAVY AND MARINE CORPS”.**

5 (B) The heading of chapter 507 of such
6 title is amended to read as follows:

7 **“CHAPTER 507—COMPOSITION OF THE DE-**
8 **PARTMENT OF THE NAVY AND MARINE**
9 **CORPS”.**

10 (5) OTHER AMENDMENTS.—

11 (A) Title 10, United States Code, is
12 amended by striking “Department of the Navy”
13 and “Secretary of the Navy” each place they
14 appear other than as specified in paragraphs
15 (1), (2), (3), and (4) (including in section head-
16 ings, subsection captions, tables of chapters,
17 and tables of sections) and inserting “Depart-
18 ment of the Navy and Marine Corps” and “Sec-
19 retary of the Navy and Marine Corps”, respec-
20 tively, in each case with the matter inserted to
21 be in the same typeface and typestyle as the
22 matter stricken.

23 (B)(i) Sections 5013(f), 5014(b)(2),
24 5016(a), 5017(2), 5032(a), and 5042(a) of
25 such title are amended by striking “Assistant

1 Secretaries of the Navy” and inserting “Assist-
2 ant Secretaries of the Navy and Marine Corps”.

3 (ii) The heading of section 5016 of such
4 title, and the item relating to such section in
5 the table of sections at the beginning of chapter
6 503 of such title, are each amended by insert-
7 ing “and Marine Corps” after “of the Navy”,
8 with the matter inserted in each case to be in
9 the same typeface and typestyle as the matter
10 amended.

11 (c) OTHER PROVISIONS OF LAW AND OTHER REF-
12 ERENCES.—

13 (1) TITLE 37, UNITED STATES CODE.—Title 37,
14 United States Code, is amended by striking “De-
15 partment of the Navy” and “Secretary of the Navy”
16 each place they appear and inserting “Department
17 of the Navy and Marine Corps” and “Secretary of
18 the Navy and Marine Corps”, respectively.

19 (2) OTHER REFERENCES.—Any reference in
20 any law other than in title 10 or title 37, United
21 States Code, or in any regulation, document, record,
22 or other paper of the United States, to the Depart-
23 ment of the Navy shall be considered to be a ref-
24 erence to the Department of the Navy and Marine
25 Corps. Any such reference to an office specified in

1 subsection (b)(2) shall be considered to be a ref-
2 erence to that officer as redesignated by that sec-
3 tion.

4 (d) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section shall take effect on the first
6 day of the first month beginning more than 60 days after
7 the date of the enactment of this Act.

8 **SEC. 902. REALIGNMENT OF THE ORGANIZATIONAL STRUC-**
9 **TURE OF THE OFFICE OF THE SECRETARY OF**
10 **DEFENSE TO CARRY OUT THE REDUCTION**
11 **REQUIRED BY LAW IN THE NUMBER OF DEP-**
12 **UTY UNDER SECRETARIES OF DEFENSE.**

13 (a) REDESIGNATION OF CERTAIN POSITIONS IN THE
14 OFFICE OF THE SECRETARY OF DEFENSE.—Positions in
15 the Office of the Secretary of Defense of the Department
16 of Defense are hereby redesignated as Assistant Secre-
17 taries of Defense as follows:

18 (1) The Director of Defense Research and En-
19 gineering is redesignated as the Assistant Secretary
20 of Defense for Research and Engineering.

21 (2) The Director of Operational Energy Plans
22 and Programs is redesignated as the Assistant Sec-
23 retary of Defense for Operational Energy Plans and
24 Programs.

1 (3) The Director of Cost Assessment and Pro-
2 gram Evaluation is redesignated as the Assistant
3 Secretary of Defense for Cost Assessment and Pro-
4 gram Evaluation.

5 (4) The Assistant to the Secretary of Defense
6 for Nuclear and Chemical and Biological Defense
7 Programs is redesignated as the Assistant Secretary
8 of Defense for Nuclear, Chemical, and Biological
9 Defense Programs.

10 (b) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RE-
11 LATING TO REALIGNMENT.—Chapter 4 of title 10, United
12 States Code, is amended as follows:

13 (1) REPEAL OF SEPARATE DEPUTY UNDER SEC-
14 RETARY PROVISIONS.—The following sections are re-
15 pealed: 133a, 134a, and 136a.

16 (2) COMPONENTS OF OSD.—Section 131(b) is
17 amended to read as follows:

18 “(b) The Office of the Secretary of Defense is com-
19 posed of the following:

20 “(1) The Deputy Secretary of Defense.

21 “(2) The Under Secretaries of Defense, as fol-
22 lows:

23 “(A) The Under Secretary of Defense for
24 Acquisition, Technology, and Logistics.

1 “(B) The Under Secretary of Defense for
2 Policy.

3 “(C) The Under Secretary of Defense
4 (Comptroller).

5 “(D) The Under Secretary of Defense for
6 Personnel and Readiness.

7 “(E) The Under Secretary of Defense for
8 Intelligence.

9 “(3) The Deputy Chief Management Officer of
10 the Department of Defense.

11 “(4) The Principal Deputy Under Secretaries of
12 Defense.

13 “(5) The Assistant Secretaries of Defense.

14 “(6) Other officers who are appointed by the
15 President, by and with the advice and consent of the
16 Senate, as follows:

17 “(A) The Director of Operational Test and
18 Evaluation.

19 “(B) The General Counsel of the Depart-
20 ment of Defense.

21 “(C) The Inspector General of the Depart-
22 ment of Defense.

23 “(7) Other officials provided for by law, as fol-
24 lows:

1 “(A) The official designated under section
2 1501(a) of this title to have responsibility for
3 Department of Defense matters relating to
4 missing persons as set forth in section 1501 of
5 this title.

6 “(B) The official designated under section
7 2228(a)(2) of this title to have responsibility for
8 Department of Defense policy related to the
9 prevention and mitigation of corrosion of the
10 military equipment and infrastructure of the
11 Department of Defense and for directing the
12 activities of the Office of Corrosion Policy and
13 Oversight.

14 “(C) The officials designated under sub-
15 sections (a) and (b) of section 2438(a) of this
16 title to have responsibility, respectively, for de-
17 velopmental test and evaluation and for systems
18 engineering.

19 “(D) The official designated under section
20 2438a(a) of this title to have responsibility for
21 conducting and overseeing performance assess-
22 ments and root cause analyses for major de-
23 fense acquisition programs.

1 “(E) The Director of Small Business Pro-
2 grams, provided for under section 2508 of this
3 title.

4 “(8) Such other offices and officials as may be
5 established by law or the Secretary of Defense may
6 establish or designate in the Office.”.

7 (3) PRINCIPAL DEPUTY UNDER SECRETARIES
8 OF DEFENSE.—Section 137a is amended—

9 (A) in subsections (a)(1), (b), and (d), by
10 striking “Deputy Under” each place it appears
11 and inserting “Principal Deputy Under”;

12 (B) in subsection (a)(2), by striking “(A)
13 The” and all that follows through “(5) of sub-
14 section (c)” and inserting “The Principal Dep-
15 uty Under Secretaries of Defense”;

16 (C) in subsection (c)—

17 (i) by striking “One of the Deputy” in
18 paragraphs (1), (2), (3), (4), and (5) and
19 inserting “One of the Principal Deputy”;

20 (ii) by striking “appointed” and all
21 that follows through “this title” in para-
22 graphs (1), (2), and (3);

23 (iii) by striking “shall be” in para-
24 graphs (4) and (5) and inserting “is”; and

1 (iv) by adding at the end of para-
2 graph (5) the following new sentence: “Any
3 individual nominated for appointment as
4 the Principal Deputy Under Secretary of
5 Defense for Intelligence shall have exten-
6 sive intelligence expertise.”; and

7 (D) by adding at the end of subsection (d)
8 the following new sentence: “The Principal
9 Deputy Under Secretaries take precedence
10 among themselves in the order prescribed by
11 the Secretary of Defense.”.

12 (4) ASSISTANT SECRETARIES OF DEFENSE.—

13 Section 138 is amended—

14 (A) in subsection (a)—

15 (i) by striking “12” and inserting
16 “17”; and

17 (ii) by striking “(A) The” and all that
18 follows through “The other” and inserting
19 “The”;

20 (B) in subsection (b)—

21 (i) by striking “shall be” in para-
22 graphs (2), (3), (4), (5), and (6) and in-
23 serting “is”;

1 (ii) by striking “appointed pursuant
2 to section 138a of this title” in paragraph
3 (7); and

4 (iii) by adding at the end the fol-
5 lowing new paragraphs:

6 “(8) One of the Assistant Secretaries is the Assistant
7 Secretary of Defense for Research and Engineering. In
8 addition to any duties and powers prescribed under para-
9 graph (1), the Assistant Secretary of Defense for Research
10 and Engineering shall have the duties specified in section
11 138b of this title.

12 “(9) One of the Assistant Secretaries is the Assistant
13 Secretary of Defense for Operational Energy Plans and
14 Programs. In addition to any duties and powers prescribed
15 under paragraph (1), the Assistant Secretary of Defense
16 for Operational Energy Plans and Programs shall have
17 the duties specified in section 138c of this title.

18 “(10) One of the Assistant Secretaries is the Assist-
19 ant Secretary of Defense for Cost Assessment and Pro-
20 gram Evaluation. In addition to any duties and powers
21 prescribed under paragraph (1), the Assistant Secretary
22 of Defense for Cost Assessment and Program Evaluation
23 shall have the duties specified in section 138d of this title.

24 “(11) One of the Assistant Secretaries is the Assist-
25 ant Secretary of Defense for Nuclear, Chemical, and Bio-

1 logical Defense Programs. In addition to any duties and
2 powers prescribed under paragraph (1), the Assistant Sec-
3 retary of Defense for Nuclear, Chemical, and Biological
4 Defense Programs shall have the duties specified in sec-
5 tion 138e of this title.”; and

6 (C) in subsection (d), by striking “and the
7 Director of Defense Research and Engineering”
8 and inserting “the Deputy Chief Management
9 Officer of the Department of Defense, and the
10 Principal Deputy Under Secretaries of De-
11 fense”.

12 (5) ASSISTANT SECRETARY FOR LOGISTICS AND
13 MATERIEL READINESS.—Section 138a(a) is amend-
14 ed—

15 (A) by striking “There is a” and inserting
16 “The”; and

17 (B) by striking “, appointed from civilian
18 life by the President, by and with the advice
19 and consent of the Senate. The Assistant Sec-
20 retary”.

21 (6) ASSISTANT SECRETARY FOR RESEARCH AND
22 ENGINEERING.—Section 139a is transferred so as to
23 appear after section 138a, redesignated as section
24 138b, and amended—

25 (A) by striking subsection (a);

1 (B) by redesignating subsections (b) and
2 (c) as subsections (a) and (b), respectively;

3 (C) in subsection (a), as so redesignated,
4 by striking “Director of Defense” and inserting
5 “Assistant Secretary of Defense for”; and

6 (D) in subsection (b), as so redesignated—

7 (i) in paragraph (1), by striking “Di-
8 rector of Defense Research and Engineer-
9 ing, in consultation with the Director of
10 Developmental Test and Evaluation” and
11 inserting “Assistant Secretary of Defense
12 for Research and Engineering, in consulta-
13 tion with the official designated under sec-
14 tion 2438(a) of this title to have responsi-
15 bility for developmental test and evaluation
16 functions”; and

17 (ii) in paragraph (2), by striking “Di-
18 rector” and inserting “Assistant Sec-
19 retary”.

20 (7) ASSISTANT SECRETARY FOR OPERATIONAL
21 ENERGY PLANS AND PROGRAMS.—Section 139b is
22 transferred so as to appear after section 138b (as
23 transferred and redesignated by paragraph (6)), re-
24 designated as section 138c, and amended—

1 (A) in subsection (a), by striking “There is
2 a” and all that follows through “The Director”
3 and inserting “The Assistant Secretary of De-
4 fense for Operational Energy Plans and Pro-
5 grams”;

6 (B) by striking “Director” each place it
7 appears and inserting “Assistant Secretary”;

8 (C) in subsection (d)(2)—

9 (i) by striking “Not later than” and
10 all that follows through “military depart-
11 ments” and inserting “The Secretary of
12 each military department”;

13 (ii) by striking “who will” and insert-
14 ing “who shall”; and

15 (iii) by inserting “so designated” after
16 “The officials”; and

17 (D) in subsection (d)(4), by striking “The
18 initial” and all that follows through “updates to
19 the strategy” and inserting “Updates to the
20 strategy required by paragraph (1)”.

21 (8) ASSISTANT SECRETARY FOR COST ASSESS-
22 MENT AND PROGRAM EVALUATION.—Section 139c is
23 transferred so as to appear after section 138c (as
24 transferred and redesignated by paragraph (7)), re-
25 designated as section 138d, and amended—

1 (A) by striking subsection (a);

2 (B) by redesignating subsection (b) as sub-
3 section (a) and in that subsection—

4 (i) striking “Director of” in para-
5 graph (1) and inserting “Assistant Sec-
6 retary of Defense for”; and

7 (ii) striking “Director” each place it
8 appears in paragraphs (1)(A), (1)(B), and
9 (2) and inserting “Assistant Secretary”;

10 (C) by striking subsection (c) and inserting
11 the following:

12 “(b) RESPONSIBILITY FOR SPECIFIED FUNCTIONS.—
13 There shall be within the office of the Assistant Secretary
14 the following:

15 “(1) An official with primary responsibility for
16 cost assessment.

17 “(2) An official with primary responsibility for
18 program evaluation.”; and

19 (D) by redesignating subsection (d) as sub-
20 section (c) and in that subsection striking “Di-
21 rector of” in the matter preceding paragraph
22 (1) and inserting “Assistant Secretary of De-
23 fense for”.

24 (9) ASSISTANT SECRETARY FOR NUCLEAR,
25 CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—

1 Section 142 is transferred so as to appear after sec-
2 tion 138d (as redesignated and transferred by para-
3 graph (8)), redesignated as section 138e, and
4 amended—

5 (A) by striking subsection (a);

6 (B) by striking “(b) The Assistant to the
7 Secretary” and inserting “The Assistant Sec-
8 retary of Defense for Nuclear, Chemical, and
9 Biological Defense Programs”; and

10 (C) by striking subsection (c).

11 (c) OTHER AMENDMENTS TO CHAPTER 4 OF TITLE
12 10.—Chapter 4 of title 10, United States Code, is further
13 amended as follows:

14 (1) OFFICE OF THE SECRETARY OF DE-
15 FENSE.—Section 131(a) is amended by striking
16 “his” and inserting “the Secretary’s”.

17 (2) DEPUTY SECRETARY.—Section 132 is
18 amended by striking the second sentence of sub-
19 section (c).

20 (3) DEPUTY CHIEF MANAGEMENT OFFICER.—

21 Such chapter is further amended by inserting after
22 section 132 the following new section:

23 **“§ 132a. Deputy Chief Management Officer**

24 “(a) There is a Deputy Chief Management Officer of
25 the Department of Defense, appointed from civilian life

1 by the President, by and with the advice and consent of
2 the Senate.

3 “(b) The Deputy Chief Management Officer assists
4 the Deputy Secretary of Defense in the Deputy Sec-
5 retary’s capacity as Chief Management Officer of the De-
6 partment of Defense under section 132(c) of this title.

7 “(c) The Deputy Chief Management Officer takes
8 precedence in the Department of Defense after the Sec-
9 retary of Defense, the Deputy Secretary of Defense, the
10 Secretaries of the military departments, and the Under
11 Secretaries of Defense.”.

12 (4) UNDER SECRETARY OF DEFENSE (COMP-
13 TROLLER).—Section 135(c) is amended by striking
14 “clauses” and inserting “paragraphs”.

15 (d) REPEAL OF POSITION TITLES SPECIFIED BY
16 LAW FOR STATUTORY POSITIONS RELATING TO DEVEL-
17 OPMENTAL TEST AND EVALUATION AND SYSTEMS ENGI-
18 NEERING.—

19 (1) TRANSFER OF SECTION FROM CHAPTER 4
20 TO PROGRAMMATIC CHAPTER.—Section 139d of title
21 10, United States Code, is transferred to chapter
22 144, inserted after section 2437, and redesignated
23 as section 2438.

1 (2) DIRECTOR OF DEVELOPMENTAL TEST AND
2 EVALUATION.—Subsection (a) of such section is
3 amended—

4 (A) by striking “(a) DIRECTOR OF” and all
5 that follows through paragraph (3) and insert-
6 ing the following:

7 “(a) DEVELOPMENTAL TEST AND EVALUATION.—

8 “(1) DESIGNATION OF RESPONSIBLE OFFI-
9 CIAL.—The Secretary of Defense shall designate,
10 from among individuals with expertise in test and
11 evaluation, an official to be responsible to the Sec-
12 retary and the Under Secretary of Defense for Ac-
13 quisition, Technology, and Logistics for develop-
14 mental test and evaluation in the Department of De-
15 fense.

16 “(2) SUPERVISION.—The official designated
17 under paragraph (1) shall report directly to an offi-
18 cial of the Department appointed from civilian life
19 by the President, by and with the advice and consent
20 of the Senate.”;

21 (B) by redesignating paragraphs (4), (5),
22 (6), and (7) as paragraphs (3), (4), (5), and
23 (6), respectively;

24 (C) in paragraph (3), as so redesignated,
25 by striking DIRECTOR OF SYSTEMS ENGINEER-

1 ING” and all that follows through “Director of
2 Systems Engineering” and inserting “SYSTEMS
3 ENGINEERING.—The official designated under
4 paragraph (1) shall closely coordinate with the
5 official designated under subsection (b)”;

6 (D) in paragraph (4), as so redesignated,
7 by striking “Director” in the matter preceding
8 subparagraph (A) and inserting “official des-
9 ignated under paragraph (1)”;

10 (E) in paragraph (5), as so redesignated—

11 (i) by striking “Director has” and in-
12 serting “official designated under para-
13 graph (1) has”;

14 (ii) by striking “Director considers”
15 and inserting “designated official con-
16 siders”; and

17 (iii) by striking “the Director’s du-
18 ties” and inserting “that official’s duties”;

19 and

20 (F) in paragraph (6), as so redesignated,
21 by striking “serving as the Director of Develop-
22 mental Test and Evaluation” and inserting “of-
23 ficial designated under paragraph (1)”.

24 (3) DIRECTOR OF SYSTEMS ENGINEERING.—

25 Subsection (b) of such section is amended—

1 (A) by striking “(b) DIRECTOR OF” and all
2 that follows through paragraph (3) and insert-
3 ing the following:

4 “(b) SYSTEMS ENGINEERING.—

5 “(1) DESIGNATION OF RESPONSIBLE OFFI-
6 CIAL.—The Secretary of Defense shall designate,
7 from among individuals with expertise in systems en-
8 gineering, an official to be responsible to the Sec-
9 retary and the Under Secretary of Defense for Ac-
10 quisition, Technology, and Logistics for systems en-
11 gineering and development planning in the Depart-
12 ment of Defense.

13 “(2) SUPERVISION.—The official designated
14 under paragraph (1) shall report directly to an offi-
15 cial of the Department appointed from civilian life
16 by the President, by and with the advice and consent
17 of the Senate.”;

18 (B) by redesignating paragraphs (4), (5),
19 and (6) as paragraphs (3), (4), and (5), respec-
20 tively;

21 (C) in paragraph (3), as so redesignated,
22 by striking “DIRECTOR OF DEVELOPMENTAL
23 TEST AND EVALUATION” and all that follows
24 through “Director of Developmental Test And
25 Evaluation” and inserting “DEVELOPMENTAL

1 TEST AND EVALUATION.—The official des-
2 ignated under paragraph (1) shall closely co-
3 ordinate with the official designated under sub-
4 section (a)”;

5 (D) in paragraph (4), as so redesignated,
6 by striking “Director” in the matter preceding
7 subparagraph (A) and inserting “official des-
8 ignated under paragraph (1)”; and

9 (E) in paragraph (5), as so redesignated—

10 (i) by striking “Director shall” and
11 inserting “official designated under para-
12 graph (1) shall”;

13 (ii) by striking “Director considers”
14 and inserting “designated official con-
15 siders”; and

16 (iii) by striking “the Director’s du-
17 ties” and inserting “that official’s duties”.

18 (4) JOINT ANNUAL REPORT.—Subsection (c) of
19 such section is amended in the matter preceding
20 paragraph (1)—

21 (A) by striking “beginning in 2010,”;

22 (B) by striking “Director of Developmental
23 Test and Evaluation and the Director of Sys-
24 tems Engineering” and inserting “officials des-
25 ignated under subsections (a) and (b)”;

1 (C) by striking “subsections (a) and (b)”
2 and inserting “those subsections”; and

3 (D) by inserting “such” after “Each”.

4 (5) JOINT GUIDANCE.—Subsection (d) of such
5 section is amended in the matter preceding para-
6 graph (1)—

7 (A) by striking “Director of Developmental
8 Test and Evaluation and the Director of Sys-
9 tems Engineering” and inserting “officials des-
10 ignated under subsections (a) and (b)”; and

11 (B) by striking “section 103 of the Weap-
12 on Systems Acquisition Reform Act of 2009”
13 and inserting “section 2438a of this title”.

14 (6) REPEAL OF REDUNDANT DEFINITION.—
15 Subsection (e) of such section is repealed.

16 (e) CODIFICATION OF SECTION 103 OF WEAPON SYS-
17 TEMS ACQUISITION REFORM ACT OF 2009.—

18 (1) CODIFICATION.—Chapter 144 of title 10,
19 United States Code, is amended by inserting after
20 section 2438 (as transferred and redesignated by
21 subsection (d)), a new section 2438a consisting of—

22 (A) a section heading as follows:

23 “§ 2438a. Performance assessments and root cause
24 analyses”;

25 and

1 (B) a text consisting of the text of section
2 103 of the Weapon Systems Acquisition Reform
3 Act of 2009 (Public Law 111–23; 123 Stat.
4 1715; 10 U.S.C. 2430 note), modified as speci-
5 fied in paragraph (2).

6 (2) TECHNICAL AMENDMENTS DUE TO CODI-
7 FICATION.—The modifications referred to in para-
8 graph (1)(B) to the text specified in that paragraph
9 are—

10 (A) in subsection (b)(2), by striking “sec-
11 tion 2433a(a)(1) of title 10, United States Code
12 (as added by section 206(a) of this Act)” and
13 inserting “section 2433a(a)(1) of this title”;

14 (B) in subsection (b)(5)—

15 (i) by striking “section 2433a of title
16 10, United States Code (as so added)” and
17 inserting “section 2433a of this title”; and

18 (ii) by striking “prior to” both places
19 it appears and inserting “before”;

20 (C) in subsection (d), by striking “section
21 2433a of title 10, United States Code (as so
22 added)” and inserting “section 2433a of this
23 title”; and

24 (D) in subsection (f), by striking “begin-
25 ning in 2010,”.

1 (f) TRANSFER OF SECTION PROVIDING FOR DIREC-
2 TOR OF SMALL BUSINESS PROGRAMS.—Section 144 of
3 title 10, United States Code, is transferred to chapter 148,
4 inserted after section 2507, and redesignated as section
5 2508.

6 (g) REPEAL OF STATUTORY REQUIREMENT FOR OF-
7 FICE FOR MISSING PERSONNEL IN OSD.—Section
8 1501(a) of title 10, United States Code, is amended—

9 (1) by striking the subsection heading and in-
10 serting the following: “RESPONSIBILITY FOR MISS-
11 ING PERSONNEL.—”;

12 (2) in paragraph (1)—

13 (A) by striking “establish within the Office
14 of the Secretary of Defense an office to have re-
15 sponsibility for Department of Defense policy”
16 in the first sentence and inserting “designate
17 within the Office of the Secretary of Defense an
18 official as the Deputy Assistant Secretary of
19 Defense for Prisoner of War/Missing Personnel
20 Affairs to have responsibility for Department of
21 Defense matters”;

22 (B) by striking the second sentence;

23 (C) by striking “of the office” and insert-
24 ing “of the official designated under this para-
25 graph”;

1 (D) by striking “and” at the end of sub-
2 paragraph (A);

3 (E) by redesignating subparagraph (B) as
4 subparagraph (C); and

5 (F) by inserting after subparagraph (A)
6 the following new subparagraph (B):

7 “(B) policy, control, and oversight of the pro-
8 gram established under section 1509 of this title, as
9 well as the accounting for missing persons (including
10 locating, recovering, and identifying missing persons
11 or their remains after hostilities have ceased); and”;

12 (3) by redesignating paragraphs (2), (3), (4),
13 and (5) as paragraphs (3), (4), (5), and (6), respec-
14 tively;

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

17 “(2) The official designated under paragraph
18 (1) shall also serve as the Director, Defense Pris-
19 oner of War/Missing Personnel Office, as established
20 under paragraph (6)(A), exercising authority, direc-
21 tion, and control over that activity.”.

22 (5) in paragraph (3), as so redesignated—

23 (A) by striking “of the office” the first
24 place it appears; and

1 (B) by striking “head of the office” and
2 inserting “official designated under paragraph
3 (1) and (2)”;

4 (6) in paragraph (4), as so redesignated—

5 (A) by striking “office” and inserting “des-
6 ignated official”; and

7 (B) by inserting after “evasion)” the fol-
8 lowing: “and for personnel accounting (includ-
9 ing locating, recovering, and identifying missing
10 persons or their remains after hostilities have
11 ceased)”;

12 (7) in paragraph (5), as so redesignated, by
13 striking “office” and inserting “designated official”;
14 and

15 (8) in paragraph (6), as so redesignated—

16 (A) in subparagraph (A)—

17 (i) by inserting after “(A)” the fol-
18 lowing: “The Secretary of Defense shall es-
19 tablish an activity to account for personnel
20 who are missing or whose remains have
21 not been recovered from the conflict in
22 which they were lost. This activity shall be
23 known as the Defense Prisoner of War/
24 Missing Personnel Office.”; and

1 (ii) by striking “office” both places it
2 appears and inserting “activity”;

3 (B) in subparagraph (B)(i), by striking “to
4 the office” and inserting “activity”;

5 (C) in subparagraph (B)(ii)—

6 (i) by striking “to the office” and in-
7 serting “activity”; and

8 (ii) by striking “of the office” and in-
9 serting “of the activity”; and

10 (D) in subparagraph (C), by striking “of-
11 fice” and inserting “activity”.

12 (h) REPEAL OF STATUTORY REQUIREMENT FOR DI-
13 RECTOR OF OFFICE FOR CORROSION POLICY AND OVER-
14 SIGHT IN OSD.—Section 2228 of title 10, United States
15 Code, is amended—

16 (1) in subsection (a)—

17 (A) by striking the subsection heading and
18 inserting the following: “OFFICE OF CORRO-
19 SION POLICY AND OVERSIGHT AND DESIGNA-
20 TION OF RESPONSIBLE OFFICIAL”;

21 (B) by amending paragraph (2) to read as
22 follows:

23 “(2) The Secretary of Defense shall designate, from
24 among civilian employees of the Department of Defense
25 with the qualifications described in paragraph (4), an offi-

1 cial to be responsible to the Secretary of Defense and the
2 Under Secretary of Defense for Acquisition, Technology,
3 and Logistics for the prevention and mitigation of corro-
4 sion of the military equipment and infrastructure of the
5 Department of Defense and for directing the activities of
6 the Office of Corrosion Policy and Oversight.”;

7 (C) by redesignating paragraphs (3) and
8 (4) as paragraphs (4) and (5), respectively;

9 (D) by inserting after paragraph (2) the
10 following new paragraph (3):

11 “(3) The official designated under paragraph
12 (2) shall report directly to the Principal Deputy
13 Under Secretary of Defense for Acquisition, Tech-
14 nology, and Logistics.”.

15 (E) in paragraph (4), as so redesignated,
16 by striking “assigned to the position of Direc-
17 tor” and inserting “designated under paragraph
18 (2)”;

19 (F) in paragraph (5), as so redesignated,
20 by striking “of Director” and inserting “held by
21 the official designated under paragraph (2)”;

22 (2) in subsection (b)—

23 (A) by striking “Director of Corrosion Pol-
24 icy and Oversight (in this section referred to as
25 the ‘Director’)” in paragraph (1) and inserting

1 “official designated under subsection (a)(2)”;
2 and

3 (B) by striking “Director” in paragraphs
4 (2), (3), (4), and (5) and inserting “designated
5 official”;

6 (3) in subsection (c), by striking “ADDITIONAL
7 AUTHORITIES” and all that follows through “author-
8 ized to—” and inserting “ADDITIONAL DUTIES.—
9 The official designated under subsection (a) shall—
10 ”; and

11 (4) in subsection (e), by striking “beginning
12 with the budget for fiscal year 2009,”.

13 (i) REPEAL OF STATUTORY LIMITATION ON NUMBER
14 OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Sec-
15 tion 906(a)(2) of the National Defense Authorization Act
16 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
17 2426; 10 U.S.C. 137a note) is repealed.

18 (j) CONFORMING AMENDMENTS TO TITLE 10.—Title
19 10, United States Code, is amended as follows:

20 (1) The following sections are amended by
21 striking “Director of Cost Assessment and Program
22 Evaluation” and inserting “Assistant Secretary of
23 Defense for Cost Assessment and Program Evalua-
24 tion”: sections 181(d), 2306b(i)(1)(B), 2366a(a)(4),

1 2366a(a)(5), 2366b(a)(1)(C), 2433a(a)(2),
2 2433a(b)(2)(C), 2434(b)(1)(A), and 2445c(f)(3).

3 (2) Section 179(c) is amended—

4 (A) by striking “Assistant to the Secretary
5 of Defense for Nuclear and Chemical and Bio-
6 logical Defense Programs” in paragraphs (2)
7 and (3) and inserting “Assistant Secretary of
8 Defense for Nuclear, Chemical, and Biological
9 Defense Programs”; and

10 (B) by striking “to the” in paragraph (3).

11 (3) Section 2272 is amended by striking “Di-
12 rector of Defense Research and Engineering” each
13 place it appears and inserting “Assistant Secretary
14 of Defense for Research and Engineering”.

15 (4) Section 2334 is amended—

16 (A) by striking “Director of Cost Assess-
17 ment and Program Evaluation” each place it
18 appears and inserting “Assistant Secretary of
19 Defense for Cost Assessment and Program
20 Evaluation”; and

21 (B) by striking “Director” each place it
22 appears (other than as specified in subpara-
23 graph (A)) and inserting “Assistant Secretary”.

24 (5) Section 2365 is amended—

1 (A) in subsection (a), by striking “Director
2 of Defense Research and Engineering” and in-
3 serting “Assistant Secretary of Defense for Re-
4 search and Engineering”;

5 (B) in subsection (d)(1), by striking “Di-
6 rector” and inserting “Assistant Secretary”;

7 (C) in subsection (d)(2)—

8 (i) by striking “Director of Defense
9 Research and Engineering” and inserting
10 “Assistant Secretary of Defense for Re-
11 search and Engineering”; and

12 (ii) by striking “Director may” and
13 inserting “Assistant Secretary may”; and

14 (D) in subsection (e), by striking “Direc-
15 tor” and inserting “Assistant Secretary”.

16 (6) Sections 2350a(g)(3), 2366b(a)(3)(D),
17 2374a(a), and 2517(a) are amended by striking “Di-
18 rector of Defense Research and Engineering” and
19 inserting “Assistant Secretary of Defense for Re-
20 search and Engineering”.

21 (7) Section 2902(b) is amended—

22 (A) in paragraph (1), by striking “Deputy
23 Under Secretary of Defense for Science and
24 Technology” and inserting “official within the
25 Office of the Assistant Secretary of Defense for

1 Research and Engineering who is responsible
2 for science and technology”; and

3 (B) in paragraph (3), by striking “Deputy
4 Under Secretary of Defense” and inserting “of-
5 ficial within the Office of the Under Secretary
6 of Defense for Acquisition, Technology, and Lo-
7 gistics who is”.

8 (k) OTHER CONFORMING AMENDMENTS.—

9 (1) Section 214 of the National Defense Au-
10 thorization Act of Fiscal Year 2008 (10 U.S.C. 2521
11 note) is amended by striking “Director of Defense
12 Research and Engineering” and inserting “Assistant
13 Secretary of Defense for Research and Engineer-
14 ing”.

15 (2) Section 201(d) of the Weapon Systems Ac-
16 quisition Reform Act of 2009 (10 U.S.C. 181 note)
17 is amended—

18 (A) by striking “The Director of Cost As-
19 sessment and Program Evaluation” and insert-
20 ing “The Assistant Secretary of Defense for
21 Cost Assessment and Program Evaluation”;
22 and

23 (B) by striking “the Director” and insert-
24 ing “the Assistant Secretary”.

1 (l) SECTION HEADING AND CLERICAL AMEND-
2 MENTS.—

3 (1) SECTION HEADING AMENDMENTS.—Title
4 10, United States Code, is amended as follows:

5 (A) The heading of section 137a is amend-
6 ed to read as follows:

7 **“§ 137a. Principal Deputy Under Secretaries of De-
8 fense”.**

9 (B) The heading of section 138b, as trans-
10 ferred and redesignated by subsection (b)(6), is
11 amended to read as follows:

12 **“§ 138b. Assistant Secretary of Defense for Research
13 and Engineering”.**

14 (C) The heading of section 138c, as trans-
15 ferred and redesignated by subsection (b)(7), is
16 amended to read as follows:

17 **“§ 138c. Assistant Secretary of Defense for Oper-
18 ational Energy Plans and Programs”.**

19 (D) The heading of section 138d, as trans-
20 ferred and redesignated by subsection (b)(8), is
21 amended to read as follows:

1 **“§ 138d. Assistant Secretary of Defense for Cost As-**
2 **essment and Program Evaluation”.**

3 (E) The heading of section 138e, as trans-
4 ferred and redesignated by subsection (b)(9), is
5 amended to read as follows:

6 **“§ 138e. Assistant Secretary of Defense for Nuclear,**
7 **Chemical, and Biological Defense Pro-**
8 **grams”.**

9 (F) The heading of section 2228 is amend-
10 ed to read as follows:

11 **“§ 2228. Military equipment and infrastructure: pre-**
12 **vention and mitigation of corrosion”.**

13 (G) The heading of section 2438 is amend-
14 ed to read as follows:

15 **“§ 2438. Developmental test and evaluation; systems**
16 **engineering; designation of responsible**
17 **officials; joint guidance”.**

18 (2) CLERICAL AMENDMENTS.—Title 10, United
19 States Code, is further amended as follows:

20 (A) The table of sections at the beginning
21 of chapter 4 is amended—

22 (i) by inserting after the item relating
23 to section 132 the following new item:

“132a. Deputy Chief Management Officer.”;

24 (ii) by striking the items relating to
25 sections 133a, 134a, and 136a;

1 (iii) by amending the item relating to
2 section 137a to read as follows:

“137a. Principal Deputy Under Secretaries of Defense.”;

3 (iv) by inserting after the item relat-
4 ing to section 138a the following new
5 items:

“138b. Assistant Secretary of Defense for Research and Engineering.

“138c. Assistant Secretary of Defense for Operational Energy Plans and Pro-
grams.

“138d. Assistant Secretary of Defense for Cost Assessment and Program Eval-
uation.

“138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological De-
fense Programs.”;

6 and

7 (v) by striking the items relating to
8 sections 139a, 139b, 139c, 139d, 142, and
9 144.

10 (B) The item relating to section 2228 in
11 the table of sections at the beginning of chapter
12 131 is amended to read as follows:

“2228. Military equipment and infrastructure: prevention and mitigation of cor-
rosion.”.

13 (C) The table of sections at the beginning
14 of chapter 144 is amended by inserting after
15 the item relating to section 2437 the following
16 new items:

“2438. Developmental test and evaluation; systems engineering: designation of
responsible officials; joint guidance.

“2438a. Performance assessments and root cause analyses.”.

17 (D) The table of sections at the beginning
18 of subchapter II of chapter 148 is amended by

1 inserting after the item relating to section 2507
2 the following new item:

“2508. Director of Small Business Programs.”.

3 (m) EXECUTIVE SCHEDULE AMENDMENTS.—Chap-
4 ter 53 of title 5, United States Code, is amended as fol-
5 lows:

6 (1) NUMBER OF ASSISTANT SECRETARY OF DE-
7 FENSE POSITIONS.—Section 5315 is amended by
8 striking “Assistant Secretaries of Defense (12)” and
9 inserting “Assistant Secretaries of Defense (17)”.

10 (2) POSITIONS REDESIGNATED AS ASSISTANT
11 SECRETARY POSITIONS.—

12 (A) Section 5315 is further amended—

13 (i) by striking “Director of Cost As-
14 sessment and Program Evaluation, De-
15 partment of Defense.”; and

16 (ii) by striking “Director of Defense
17 Research and Engineering.”.

18 (B) Section 5316 is amended by striking
19 “Assistant to the Secretary of Defense for Nu-
20 clear and Chemical and Biological Defense Pro-
21 grams.”.

22 (3) AMENDMENTS TO DELETE REFERENCES TO
23 POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section
24 5316 is further amended—

1 (A) by striking “Director, Defense Ad-
2 vanced Research Projects Agency, Department
3 of Defense.”;

4 (B) by striking “Deputy General Counsel,
5 Department of Defense.”;

6 (C) by striking “Deputy Under Secretaries
7 of Defense for Research and Engineering, De-
8 partment of Defense (4).”; and

9 (D) by striking “Special Assistant to the
10 Secretary of Defense.”.

11 (n) REFERENCES IN OTHER LAWS, ETC.—Any ref-
12 erence in any provision or law other than title 10, United
13 States Code, or in any rule, regulation, or other paper of
14 the United States, to any of the offices of the Department
15 of Defense redesignated by subsection (a) shall be treated
16 as referring to that office as so redesignated.

17 (o) EFFECTIVE DATE.—The provisions of this section
18 and the amendments made by this section shall take effect
19 on January 1, 2011, or on such earlier date for any of
20 such provisions as may be prescribed by the Secretary of
21 Defense. If the Secretary prescribes an earlier date for any
22 of those provisions or amendments, the Secretary shall no-
23 tify Congress in writing in advance of such date.

1 **SEC. 903. UNIFIED MEDICAL COMMAND.**

2 (a) ASSISTANT SECRETARY OF DEFENSE.—Section
3 138(b) of title 10, United States Code, as amended by
4 section 902, is further amended by adding at the end the
5 following new paragraph:

6 “(12) One of the Assistant Secretaries is the
7 Assistant Secretary of Defense for Health Affairs.
8 In addition to any duties and powers prescribed
9 under paragraph (1), the principal duty of the As-
10 sistant Secretary of Defense for Health Affairs is
11 the overall supervision (including oversight of policy
12 and resources) of all health affairs and medical ac-
13 tivities of the Department of Defense. The Assistant
14 Secretary of Defense for Health Affairs is the prin-
15 cipal civilian adviser to the Secretary of Defense on
16 health affairs and medical matters and, after the
17 Secretary and Deputy Secretary, is the principal
18 health affairs and medical official within the senior
19 management of the Department of Defense.”.

20 (b) UNIFIED COMBATANT COMMAND.—

21 (1) IN GENERAL.—Chapter 6 of such title is
22 amended by inserting after section 167a the fol-
23 lowing new section:

1 **“§ 167b. Unified combatant command for medical op-**
2 **erations**

3 “(a) ESTABLISHMENT.—With the advice and assist-
4 ance of the Chairman of the Joint Chiefs of Staff, the
5 President, through the Secretary of Defense, may estab-
6 lish under section 161 of this title a unified command for
7 medical operations (hereinafter in this section referred to
8 as the ‘unified medical command’). The principal function
9 of the command is to provide medical services to the
10 armed forces and other health care beneficiaries of the De-
11 partment of Defense as defined in chapter 55 of this title.

12 “(b) ASSIGNMENT OF FORCES.—In establishing the
13 unified medical command under subsection (a), all active
14 military medical treatment facilities, training organiza-
15 tions, and research entities of the armed forces shall be
16 assigned to such unified command, unless otherwise di-
17 rected by the Secretary of Defense.

18 “(c) GRADE OF COMMANDER.—The commander of
19 the unified medical command shall hold the grade of gen-
20 eral or, in the case of an officer of the Navy, admiral while
21 serving in that position, without vacating his permanent
22 grade. The commander of such command shall be ap-
23 pointed to that grade by the President, by and with the
24 advice and consent of the Senate, for service in that posi-
25 tion. The commander of such command shall be a member
26 of a health profession described in paragraph (1), (2), (3),

1 (4), (5), or (6) of section 335(j) of title 37. During the
2 5-year period beginning on the date on which the Sec-
3 retary establishes the command under subsection (a), the
4 commander of such command shall be exempt from the
5 requirements of section 164(a)(1) of this title.

6 “(d) SUBORDINATE COMMANDS.—(1) The unified
7 medical command shall have the following subordinate
8 commands:

9 “(A) A command that includes all fixed military
10 medical treatment facilities, including elements of
11 the Department of Defense that are combined, oper-
12 ated jointly, or otherwise operated in such a manner
13 that a medical facility of the Department of Defense
14 is operating in or with a medical facility of another
15 department or agency of the United States.

16 “(B) A command that includes all medical
17 training, education, and research and development
18 activities that have previously been unified or com-
19 bined, including organizations that have been des-
20 ignated as a Department of Defense executive agent.

21 “(C) The Defense Health Agency established
22 under subsection (f).

23 “(2) The commander of a subordinate command of
24 the unified medical command shall hold the grade of lieu-
25 tenant general or, in the case of an officer of the Navy,

1 vice admiral while serving in that position, without
2 vacating his permanent grade. The commander of such a
3 subordinate command shall be appointed to that grade by
4 the President, by and with the advice and consent of the
5 Senate, for service in that position. The commander of
6 such a subordinate command shall also be required to be
7 a surgeon general of one of the military departments.

8 “(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
9 In addition to the authority prescribed in section 164(c)
10 of this title, the commander of the unified medical com-
11 mand shall be responsible for, and shall have the authority
12 to conduct, all affairs of such command relating to medical
13 operations activities.

14 “(2) The commander of such command shall be re-
15 sponsible for, and shall have the authority to conduct, the
16 following functions relating to medical operations activities
17 (whether or not relating to the unified medical command):

18 “(A) Developing programs and doctrine.

19 “(B) Preparing and submitting to the Secretary
20 of Defense program recommendations and budget
21 proposals for the forces described in subsection (b)
22 and for other forces assigned to the unified medical
23 command.

24 “(C) Exercising authority, direction, and con-
25 trol over the expenditure of funds—

1 “(i) for forces assigned to the unified med-
2 ical command;

3 “(ii) for the forces described in subsection
4 (b) assigned to unified combatant commands
5 other than the unified medical command to the
6 extent directed by the Secretary of Defense;
7 and

8 “(iii) for military construction funds of the
9 Defense Health Program.

10 “(D) Training assigned forces.

11 “(E) Conducting specialized courses of instruc-
12 tion for commissioned and noncommissioned officers.

13 “(F) Validating requirements.

14 “(G) Establishing priorities for requirements.

15 “(H) Ensuring the interoperability of equip-
16 ment and forces.

17 “(I) Monitoring the promotions, assignments,
18 retention, training, and professional military edu-
19 cation of medical officers described in paragraph (1),
20 (2), (3), (4), (5), or (6) of section 335(j) of title 37.

21 “(3) The commander of such command shall be re-
22 sponsible for the Defense Health Program, including the
23 Defense Health Program Account established under sec-
24 tion 1100 of this title.

1 “(f) DEFENSE HEALTH AGENCY.—(1) In estab-
2 lishing the unified medical command under subsection (a),
3 the Secretary shall also establish under section 191 of this
4 title a defense agency for health care (in this section re-
5 ferred to as the ‘Defense Health Agency’), and shall trans-
6 fer to such agency the organization of the Department of
7 Defense referred to as the TRICARE Management Activ-
8 ity and all functions of the TRICARE Program (as de-
9 fined in section 1072(7)).

10 “(2) The director of the Defense Health Agency shall
11 hold the rank of lieutenant general or, in the case of an
12 officer of the Navy, vice admiral while serving in that posi-
13 tion, without vacating his permanent grade. The director
14 of such agency shall be appointed to that grade by the
15 President, by and with the advice and consent of the Sen-
16 ate, for service in that position. The director of such agen-
17 cy shall be a member of a health profession described in
18 paragraph (1), (2), (3), (4), (5), or (6) of section 335(j)
19 of title 37.

20 “(g) REGULATIONS.—In establishing the unified
21 medical command under subsection (a), the Secretary of
22 Defense shall prescribe regulations for the activities of the
23 unified medical command.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 167a
2 the following new item:

“167b. Unified combatant command for medical operations.”.

3 (c) PLAN, NOTIFICATION, AND REPORT.—

4 (1) PLAN.—Not later than March 31, 2011, the
5 Secretary of Defense shall submit to the congress-
6 sional defense committees a comprehensive plan to
7 establish the unified medical command authorized
8 under section 167b of title 10, United States Code,
9 as added by subsection (b), including any legislative
10 actions the Secretary considers necessary to imple-
11 ment the plan.

12 (2) NOTIFICATION.—The Secretary shall sub-
13 mit to the congressional defense committees written
14 notification of the decision of the Secretary to estab-
15 lish the unified medical command under such section
16 167b by not later than the date that is 30 days be-
17 fore establishing such command.

18 (3) REPORT.—Not later than 180 days after
19 submitting the notification under paragraph (2), the
20 Secretary shall submit to the congressional defense
21 committees a report on—

22 (A) the establishment of the unified med-
23 ical command; and

1 (B) the establishment of the Defense
2 Health Agency under subsection (f) of such sec-
3 tion 167b.

4 **Subtitle B—Space Activities**

5 **SEC. 911. INTEGRATED SPACE ARCHITECTURES.**

6 The Secretary of Defense and the Director of Na-
7 tional Intelligence shall jointly establish the capability to
8 conduct integrated national security space architecture
9 planning, development, coordination, and analysis that—

10 (1) encompasses defense and intelligence space
11 plans, programs, budgets, and organizations;

12 (2) provides mid-term to long-term rec-
13 ommendations to guide space-related defense and in-
14 telligence acquisitions, requirements, and investment
15 decisions;

16 (3) is independent of the space architecture
17 planning, development, coordination, and analysis
18 activities of each military department and each ele-
19 ment of the intelligence community (as defined in
20 section 3(4) of the National Security Act of 1947
21 (50 U.S.C. 401a(4))); and

22 (4) makes use of, to the maximum extent prac-
23 ticable, joint duty assignment positions (as defined
24 in section 668).

1 **Subtitle C—Intelligence-Related** 2 **Matters**

3 **SEC. 921. FIVE-YEAR EXTENSION OF AUTHORITY FOR SEC-** 4 **RETARY OF DEFENSE TO ENGAGE IN COM-** 5 **MERCIAL ACTIVITIES AS SECURITY FOR IN-** 6 **TELLIGENCE COLLECTION ACTIVITIES.**

7 The second sentence of section 431(a) of title 10,
8 United States Code, is amended by striking “December
9 31, 2010” and inserting “December 31, 2015”.

10 **SEC. 922. SPACE AND COUNTERSPACE INTELLIGENCE** 11 **ANALYSIS.**

12 (a) DESIGNATION OF LEAD INTEGRATOR.—

13 (1) DESIGNATION.—

14 (A) IN GENERAL.—The Director of the
15 Defense Intelligence Agency shall designate a
16 lead integrator for foreign space and
17 counterspace defense intelligence analysis.

18 (B) INITIAL DESIGNATION.—Not later
19 than 30 days after the date of the enactment of
20 this Act, the Director of the Defense Intel-
21 ligence Agency shall designate an initial lead in-
22 tegrator under subparagraph (A).

23 (2) NOTICE.—Not later than 30 days after the
24 date on which the Director of the Defense Intel-
25 ligence Agency designates a lead integrator under

1 paragraph (1)(A), or removes the designation of lead
2 integrator from an individual or organization pre-
3 viously designated under paragraph (1)(A), the Di-
4 rector shall notify the congressional defense commit-
5 tees, the Permanent Select Committee on Intel-
6 ligence of the House of Representatives, and the Se-
7 lect Committee on Intelligence of the Senate of the
8 designation of such lead integrator or the removal of
9 such designation.

10 (b) **AUTHORITY TO CONDUCT ORIGINAL ANALYSIS.**—

11 The Director of the Defense Intelligence Agency shall au-
12 thorize a lead integrator designated under subsection
13 (a)(1)(A) to conduct original intelligence analysis and pro-
14 duction within the areas of responsibility of such lead inte-
15 grator.

16 (c) **DEFINITIONS.**—In this section:

17 (1) **LEAD INTEGRATOR.**—The term “lead inte-
18 grator” means, with respect to a particular subject
19 matter, an individual or organization with primary
20 responsibility for the review, coordination, and inte-
21 gration of defense intelligence analysis and produc-
22 tion related to such subject matter to—

23 (A) ensure the development of coherent as-
24 sessments and intelligence products; and

1 (B) manage and consolidate defense intel-
2 ligence tasking.

3 (2) ORIGINAL INTELLIGENCE ANALYSIS.—The
4 term “original intelligence analysis” means the de-
5 velopment of knowledge and creation of intelligence
6 materials based on raw data and intelligence report-
7 ing.

8 **SEC. 923. AUDITS OF INTELLIGENCE COMMUNITY BY GOV-**
9 **ERNMENT ACCOUNTABILITY OFFICE.**

10 (a) AUDITS.—Title V of the National Security Act
11 of 1947 (50 U.S.C. 413 et seq.) is amended by adding
12 at the end the following new section:

13 “AUDITS OF INTELLIGENCE COMMUNITY BY
14 GOVERNMENT ACCOUNTABILITY OFFICE

15 “SEC. 508. (a) IN GENERAL.—Except as provided in
16 subsection (b), the Director of National Intelligence shall
17 ensure that personnel of the Government Accountability
18 Office designated by the Comptroller General are provided
19 with access to all information in the possession of an ele-
20 ment of the intelligence community that the Comptroller
21 General determines is necessary for such personnel to con-
22 duct an analysis, evaluation, or investigation of a program
23 or activity of an element of the intelligence community
24 that is requested by one of the congressional intelligence
25 committees.

1 “(b) AUDITS OF PROGRAMS INVOLVING SOURCES
2 AND METHODS.—(1) If the Director of National Intel-
3 ligence determines that a portion of an analysis, evalua-
4 tion, or investigation to be conducted by the Comptroller
5 General that is requested by a committee of Congress with
6 jurisdiction over the subject of such analysis, evaluation,
7 or investigation involves a matter that is subject to the
8 reporting requirements of section 503 or intelligence
9 sources or methods, such portion may be redacted from
10 such analysis, evaluation, or investigation and provided ex-
11 clusively to the congressional intelligence committees.

12 “(2) If the Director of National Intelligence redacts
13 a portion of an analysis, evaluation, or investigation under
14 paragraph (1), the Director shall inform the committee
15 of Congress that requested such analysis, evaluation, or
16 investigation of the redaction.

17 “(c) NOTICE OF ANALYSIS, EVALUATION, OR INVES-
18 TIGATION AND PROCEDURES.—Not later than 15 days be-
19 fore initiating an analysis, evaluation, or investigation of
20 an element of the intelligence community, the Comptroller
21 General shall submit to the congressional intelligence com-
22 mittees a notice that includes—

23 “(1) a description of the analysis, evaluation, or
24 investigation to occur and the purposes of such anal-
25 ysis, evaluation, or investigation;

1 “(2) the names of the personnel who will con-
2 duct such analysis, evaluation, or investigation and
3 the level of security clearance possessed by such per-
4 sonnel; and

5 “(3) the procedures to be used in the course of
6 such analysis, evaluation, or investigation for exam-
7 ining classified information, including a description
8 of all facilities and materials that will be used.

9 “(d) DISCUSSION OF PROCEDURES.—(1) Prior to ini-
10 tiating an analysis, evaluation, or investigation of an ele-
11 ment of the intelligence community, the Comptroller Gen-
12 eral, in consultation with the congressional intelligence
13 committees, shall discuss with the Director of National In-
14 telligence the procedures for conducting such analysis,
15 evaluation, or investigation.

16 “(2) Not later than five days after the discussion re-
17 ferred to in paragraph (1), the Director of National Intel-
18 ligence may submit to the Comptroller General a written
19 comment suggesting any changes or modifications to the
20 procedures referred to in paragraph (1).

21 “(e) CONFIDENTIALITY.—The Comptroller General
22 shall maintain the same level of confidentiality for a record
23 made available during the course of an analysis, evalua-
24 tion, or investigation involving sources or methods as is
25 required of the head of the element of the intelligence com-

1 munity from which such record is obtained. An officer or
2 employee of the Government Accountability Office shall be
3 subject to the same statutory penalties for unauthorized
4 disclosure or use of a record as an officer or employee
5 of the element of the intelligence community that provided
6 the Comptroller General or such officer or employee of the
7 Government Accountability Office with access to such
8 record.

9 “(f) WORKPAPERS.—All workpapers of the Comp-
10 troller General and all records and property of any ele-
11 ment of the intelligence community that the Comptroller
12 General uses during the course of an analysis, evaluation,
13 or investigation involving sources or methods shall remain
14 in facilities provided by the element of the intelligence
15 community providing such records and property.

16 “(g) PROVISION OF SUPPLIES.—The head of each
17 element of the intelligence community that is a subject of
18 an analysis, evaluation, or investigation by the Comp-
19 troller General involving sources or methods shall provide
20 the Comptroller General with suitable and secure offices
21 and furniture, telephones, and access to copying facilities,
22 for purposes of such analysis, evaluation, or investigation.

23 “(h) PROCEDURES FOR PROTECTION OF INFORMA-
24 TION.—The Comptroller General, in consultation with the
25 congressional intelligence committees, shall establish pro-

1 cedures to protect from unauthorized disclosure all classi-
2 fied and other sensitive information furnished to the
3 Comptroller General in the course of conducting an anal-
4 ysis, evaluation, or investigation involving sources and
5 methods.

6 “(i) SUBMISSION OF NAMES OF PERSONNEL CON-
7 DUCTING ANALYSIS, EVALUATION, OR INVESTIGATION.—
8 Prior to initiating an analysis, evaluation, or investigation
9 involving sources and methods, the Comptroller General
10 shall provide the Director of National Intelligence and the
11 head of each element of the intelligence community that
12 is a subject of such analysis, evaluation, or investigation
13 with the name of each officer and employee of the Govern-
14 ment Accountability Office who has obtained appropriate
15 security clearance and to whom, upon proper identifica-
16 tion, the head of such element shall make available records
17 and information during the course of such analysis, eval-
18 uation, or investigation.

19 “(j) COOPERATION.—The head of each element of the
20 intelligence community that is a subject of an analysis,
21 evaluation, or investigation shall cooperate fully with the
22 Comptroller General and provide timely responses to re-
23 quests by the Comptroller General for documentation and
24 information made pursuant to this section.

1 “(k) **RULE OF CONSTRUCTION.**—Except as provided
2 in subsection (b), nothing in this section or any other pro-
3 vision of law shall be construed to restrict or limit the au-
4 thority of the Comptroller General to audit, evaluate, or
5 obtain access to the records of an element of the intel-
6 ligence community absent specific statutory language re-
7 stricting or limiting such audits, evaluations, or access to
8 records.”.

9 **Subtitle D—Other Matters**

10 **SEC. 931. REVISIONS TO THE BOARD OF REGENTS FOR THE** 11 **UNIFORMED SERVICES UNIVERSITY OF THE** 12 **HEALTH SCIENCES.**

13 Subsection (b) of section 2113a of title 10, United
14 States Code, is amended—

15 (1) by redesignating paragraphs (2), (3), and
16 (4) as paragraphs (3), (4), and (5), respectively; and

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

19 “(2) four persons, of which the chairmen and
20 ranking members of the Committees on Armed Serv-
21 ices of the Senate and House of Representatives
22 may each appoint one person, respectively;”.

1 **SEC. 932. INCREASED FLEXIBILITY FOR COMBATANT COM-**
2 **MANDER INITIATIVE FUND.**

3 (a) IN GENERAL.—Section 166a(e)(1) of title 10,
4 United States Code, is amended—

5 (1) in subparagraph (B), by striking “and” at
6 the end;

7 (2) in subparagraph (C), by striking the period
8 at the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(D) not more than \$10,000,000 may be used
11 for research, development, test and evaluation activi-
12 ties.”.

13 (b) APPLICABILITY.—The amendments made by this
14 section shall not apply with respect to funds appropriated
15 for a fiscal year before fiscal year 2011.

16 **SEC. 933. TWO-YEAR EXTENSION OF AUTHORITIES RELAT-**
17 **ING TO TEMPORARY WAIVER OF REIMBURSE-**
18 **MENT OF COSTS OF ACTIVITIES FOR NON-**
19 **GOVERNMENTAL PERSONNEL AT DEPART-**
20 **MENT OF DEFENSE REGIONAL CENTERS FOR**
21 **SECURITY STUDIES.**

22 (a) EXTENSION OF WAIVER.—Paragraph (1) of sec-
23 tion 941(b) of the Duncan Hunter National Defense Au-
24 thorization Act for Fiscal Year 2009 (Public Law 110-
25 417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by

1 striking “fiscal years 2009 and 2010” and inserting “fis-
2 cal years 2009 through 2012”.

3 (b) ANNUAL REPORT.—Paragraph (3) of such sec-
4 tion is amended by striking “in 2010 and 2011” and in-
5 serting “in each year through 2013”.

6 **SEC. 934. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL**
7 **ROLES AND MISSIONS REVIEW IN 2011.**

8 (a) ADDITIONAL ACTIVITIES CONSIDERED.—As part
9 of the quadrennial roles and missions review conducted in
10 2011 pursuant to section 118b of title 10, United States
11 Code, the Secretary of Defense shall give consideration to
12 the following activities, giving particular attention to their
13 role in counter-terrorism operations:

- 14 (1) Information operations.
15 (2) Strategic communications.
16 (3) Detention and interrogation.

17 (b) ADDITIONAL REPORT REQUIREMENT.—In the re-
18 port required by section 118b(d) of such title for such re-
19 view in 2011, the Secretary of Defense shall—

- 20 (1) provide clear guidance on the nature and
21 extent of which core competencies are associated
22 with the activities listed in subsection (a); and
23 (2) identify the elements of the Department of
24 Defense that are responsible or should be responsible
25 for providing such core competencies.

1 **SEC. 935. CODIFICATION OF CONGRESSIONAL NOTIFICA-**
2 **TION REQUIREMENT BEFORE PERMANENT**
3 **RELOCATION OF ANY UNITED STATES MILI-**
4 **TARY UNIT STATIONED OUTSIDE THE UNITED**
5 **STATES.**

6 (a) CODIFICATION AND RELATED REPORT.—Chapter
7 6 of title 10, United States Code, is amended by inserting
8 after section 162 the following new section:

9 **“§ 162a. Congressional notification before permanent**
10 **relocation of military units stationed out-**
11 **side the United States**

12 “(a) NOTIFICATION REQUIREMENT.—The Secretary
13 of Defense shall notify Congress at least 30 days before
14 the permanent relocation of a unit stationed outside the
15 United States.

16 “(b) ELEMENTS OF NOTIFICATION.—The notifica-
17 tion required by subsection (a) shall include a description
18 of the following:

19 “(1) How relocation of the unit supports the
20 United States national security strategy.

21 “(2) Whether the relocation of the unit will
22 have an impact on any security commitments under-
23 taken by the United States pursuant to any inter-
24 national security treaty, including the North Atlantic
25 Treaty, the Treaty of Mutual Cooperation and Secu-
26 rity between the United States and Japan, and the

1 Security Treaty Between Australia, New Zealand,
2 and the United States of America.

3 “(3) How relocation of the unit addresses the
4 current security environment in the affected geo-
5 graphic combatant command’s area of responsibility,
6 including United States participation in theater se-
7 curity cooperation activities and bilateral partner-
8 ship, exchanges, and training exercises.

9 “(4) How relocation of the unit impacts the sta-
10 tus of overseas base closure and realignment actions
11 undertaken as part of a global defense posture re-
12 alignment strategy and the status of development
13 and execution of comprehensive master plans for
14 overseas military main operating bases, forward op-
15 erating sites, and cooperative security locations of
16 the global defense posture of the United States.

17 “(c) EXCEPTIONS.—Subsection (a) does not apply in
18 the case of—

19 “(1) the relocation of a unit deployed to a com-
20 bat zone; or

21 “(2) the relocation of a unit as the result of clo-
22 sure of an overseas installation at the request of the
23 government of the host nation in the manner pro-
24 vided in the agreement between the United States
25 and the host nation regarding the installation.

1 “(d) DEFINITIONS.—In this section:

2 “(1) COMBAT ZONE.—The term ‘combat zone’
3 has the meaning given that term in section
4 112(c)(2) of the Internal Revenue Code of 1986.

5 “(2) GEOGRAPHIC COMBATANT COMMAND.—
6 The term ‘geographic combatant command’ means a
7 combatant command with a geographic area of re-
8 sponsibility that does not include North America.

9 “(3) UNIT.—The term ‘unit’ has the meaning
10 determined by the Secretary of Defense for purposes
11 of this section.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 162 the following new
15 item:

“162a. Congressional notification before permanent relocation of military units
stationed outside the United States.”.

16 (c) REPEAL OF SUPERCEDED NOTIFICATION RE-
17 QUIREMENT.—Section 1063 of the National Defense Au-
18 thorization Act for Fiscal Year 2010 (Public Law 111-
19 84; 123 Stat. 2469; 10 U.S.C. 113 note) is repealed.

20 **TITLE X—GENERAL PROVISIONS**

21 **Subtitle A—Financial Matters**

22 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

23 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

1 (1) AUTHORITY.—Upon determination by the
2 Secretary of Defense that such action is necessary in
3 the national interest, the Secretary may transfer
4 amounts of authorizations made available to the De-
5 partment of Defense in this division for fiscal year
6 2011 between any such authorizations for that fiscal
7 year (or any subdivisions thereof). Amounts of au-
8 thorizations so transferred shall be merged with and
9 be available for the same purposes as the authoriza-
10 tion to which transferred.

11 (2) LIMITATION.—Except as provided in para-
12 graph (3), the total amount of authorizations that
13 the Secretary may transfer under the authority of
14 this section may not exceed \$3,500,000,000.

15 (3) EXCEPTION FOR TRANSFERS BETWEEN
16 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
17 fer of funds between military personnel authoriza-
18 tions under title IV shall not be counted toward the
19 dollar limitation in paragraph (2).

20 (b) LIMITATIONS.—The authority provided by this
21 section to transfer authorizations—

22 (1) may only be used to provide authority for
23 items that have a higher priority than the items
24 from which authority is transferred; and

1 (2) may not be used to provide authority for an
2 item that has been denied authorization by Con-
3 gress.

4 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
5 transfer made from one account to another under the au-
6 thority of this section shall be deemed to increase the
7 amount authorized for the account to which the amount
8 is transferred by an amount equal to the amount trans-
9 ferred.

10 (d) NOTICE TO CONGRESS.—The Secretary shall
11 promptly notify Congress of each transfer made under
12 subsection (a).

13 **SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIA-**
14 **TIONS FOR OPERATIONS IN AFGHANISTAN,**
15 **IRAQ, AND HAITI FOR FISCAL YEAR 2010.**

16 In addition to the amounts otherwise authorized to
17 be appropriated by this division, the amounts authorized
18 to be appropriated for fiscal year 2010 in title XV of the
19 National Defense Authorization Act for Fiscal Year 2010
20 (Public Law 111–84) are hereby increased, with respect
21 to any such authorized amount, as follows:

22 (1) The amounts provided in sections 1502
23 through 1507 of such Act for the following procure-
24 ment accounts are increased as follows:

1 (A) For aircraft procurement, Army, by
2 \$182,170,000.

3 (B) For weapons and tracked combat vehi-
4 cles procurement, Army, by \$3,000,000.

5 (C) For ammunition procurement, Army,
6 by \$17,055,000.

7 (D) For other procurement, Army, by
8 \$1,997,918,000.

9 (E) For the Joint Improvised Explosive
10 Device Defeat Fund, by \$400,000,000.

11 (F) For aircraft procurement, Navy, by
12 \$104,693,000.

13 (G) For other procurement, Navy, by
14 \$15,000,000.

15 (H) For procurement, Marine Corps, by
16 \$18,927,000.

17 (I) For aircraft procurement, Air Force, by
18 \$209,766,000.

19 (J) For ammunition procurement, Air
20 Force, by \$5,000,000.

21 (K) For other procurement, Air Force, by
22 \$576,895,000.

23 (L) For the Mine Resistant Ambush Pro-
24 tected Vehicle Fund, by \$1,123,000,000.

1 (M) For defense-wide activities, by
2 \$189,276,000.

3 (2) The amounts provided in section 1508 of
4 such Act for research, development, test, and evalua-
5 tion are increased as follows:

6 (A) For the Army, by \$61,962,000.

7 (B) For the Navy, by \$5,360,000.

8 (C) For the Air Force, by \$187,651,000.

9 (D) For defense-wide activities, by
10 \$22,138,000.

11 (3) The amounts provided in sections 1509,
12 1511, 1513, 1514, and 1515 of such Act for oper-
13 ation and maintenance are increased as follows:

14 (A) For the Army, by \$11,700,965,000.

15 (B) For the Navy, by \$2,428,702,000.

16 (C) For the Marine Corps, by
17 \$1,090,873,000.

18 (D) For the Air Force, by \$3,845,047,000.

19 (E) For defense-wide activities, by
20 \$1,188,421,000.

21 (F) For the Army Reserve, by
22 \$67,399,000.

23 (G) For the Navy Reserve, by
24 \$61,842,000.

1 (H) For the Marine Corps Reserve, by
2 \$674,000.

3 (I) For the Air Force Reserve, by
4 \$95,819,000.

5 (J) For the Army National Guard, by
6 \$171,834,000.

7 (K) For the Air National Guard, by
8 \$161,281,000.

9 (L) For the Defense Health Program, by
10 \$33,367,000.

11 (M) For Drug Interdiction and
12 Counterdrug Activities, Defense-wide, by
13 \$94,000,000.

14 (N) For the Afghanistan Security Forces
15 Fund, by \$2,604,000,000.

16 (O) For the Iraq Security Forces Fund, by
17 \$1,000,000,000.

18 (P) For Overseas Humanitarian, Disaster
19 and Civic Aid, by \$255,000,000.

20 (Q) For Overseas Contingency Operations
21 Transfer Fund, by \$350,000,000.

22 (R) For Working Capital Funds, by
23 \$974,967,000.

1 (4) The amount provided in section 1512 of
2 such Act for military personnel accounts is increased
3 by \$1,895,761,000.

4 **SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the Committee on the Budget of the
11 House of Representatives, as long as such statement has
12 been submitted prior to the vote on passage of this Act.

13 **Subtitle B—Counter-Drug**
14 **Activities**

15 **SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTER-**
16 **RORISM CAMPAIGN IN COLOMBIA.**

17 Section 1021 of the Ronald W. Reagan National De-
18 fense Authorization Act for Fiscal Year 2005 (Public Law
19 108–375; 118 Stat. 2042), as most recently amended by
20 section 1011 of the National Defense Authorization Act
21 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
22 2441), is further amended—

23 (1) in subsection (a), by striking “2010” and
24 inserting “2011”; and

1 (2) in subsection (c), by striking “2010” and
2 inserting “2011”.

3 **SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW EN-**
4 **FORCEMENT AGENCIES CONDUCTING**
5 **COUNTERTERRORISM ACTIVITIES.**

6 Section 1022(b) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
8 U.S.C. 371 note), as most recently amended by section
9 1012 of the National Defense Authorization Act for Fiscal
10 Year 2010 (Public Law 111–84; 123 Stat. 2441), is fur-
11 ther amended by striking “2010” and inserting “2011”.

12 **SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES**
13 **TO SUPPORT FOREIGN COUNTER-DRUG AC-**
14 **TIVITIES.**

15 Section 1022(a) of the Floyd D. Spence National De-
16 fense Authorization Act for Fiscal Year 2001 (as enacted
17 into law by Public Law 106–398; 114 Stat. 1654A–255),
18 as most recently amended by section 1013 of the National
19 Defense Authorization Act for Fiscal Year 2010 (Public
20 Law 111–84; 123 Stat. 2442), is further amended by
21 striking “February 15, 2010” and inserting “February
22 15, 2011”.

1 **SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF**
2 **CERTAIN FOREIGN GOVERNMENTS.**

3 (a) IN GENERAL.—Subsection (a)(2) section 1033 of
4 the National Defense Authorization Act for Fiscal Year
5 1998 (Public Law 105–85; 111 Stat. 1881), as most re-
6 cently amended by section 1014(a) of the National De-
7 fense Authorization Act for Fiscal Year 2010 (Public Law
8 111–84; 123 Stat. 2442), is further amended by striking
9 “2010” and inserting “2011”.

10 (b) MAXIMUM AMOUNT OF SUPPORT.—Subsection
11 (e)(2) of such section is amended by striking “fiscal years
12 2009 and 2010” and inserting “fiscal years 2010 and
13 2011”.

14 **Subtitle C—Naval Vessels and**
15 **Shipyards**

16 **SEC. 1021. REQUIREMENTS FOR LONG-RANGE PLAN FOR**
17 **CONSTRUCTION OF NAVAL VESSELS.**

18 (a) IN GENERAL.—Section 231 of title 10, United
19 States Code, is amended to read as follows:

20 **“§ 231. Long-range plan for construction of naval ves-**
21 **sels**

22 **“(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION**
23 **PLAN.—**At the same time that the budget of the President
24 is submitted under section 1105(a) of title 31 during each
25 year in which the Secretary of Defense submits a quadren-
26 nial defense review, the Secretary of the Navy shall submit

1 to the congressional defense committees a long-range plan
2 for the construction of combatant and support vessels for
3 the Navy that supports the force structure recommenda-
4 tions of the quadrennial defense review.

5 “(b) MATTERS INCLUDED.—The plan under sub-
6 section (a) shall include the following:

7 “(1) A detailed construction schedule of naval
8 vessels for the 10-year period beginning on the date
9 on which the plan is submitted, including a certifi-
10 cation by the Secretary that the budget for the fiscal
11 year in which the plan is submitted and the budget
12 for the future-years defense program submitted
13 under section 221 of this title are sufficient for
14 funding such schedule.

15 “(2) A probable construction schedule for the
16 10-year period beginning on the date that is 10
17 years after the date on which the plan is submitted.

18 “(3) A notional construction schedule for the
19 10-year period beginning on the date that is 20
20 years after the date on which the plan is submitted.

21 “(4) The estimated levels of annual funding
22 necessary to carry out the construction schedules
23 under paragraphs (1), (2), and (3).

24 “(5) For the construction schedules under para-
25 graphs (1) and (2)—

1 “(A) a determination by the Director of
2 Cost Assessment and Program Evaluation of
3 the level of funding necessary to execute such
4 schedules; and

5 “(B) an evaluation by the Director of the
6 potential risk associated with such schedules,
7 including detailed effects on operational plans,
8 missions, deployment schedules, and fulfillment
9 of the requirements of the combatant com-
10 manders.

11 “(c) NAVAL COMPOSITION.—In submitting the plan
12 under subsection (a), the Secretary shall ensure that such
13 plan—

14 “(1) is in accordance with section 5062(b) of
15 this title; and

16 “(2) phases the construction of new aircraft
17 carriers during the periods covered by such plan in
18 a manner that minimizes the total cost for procure-
19 ment for such vessels.

20 “(d) ASSESSMENT WHEN BUDGET IS INSUFFI-
21 CIENT.—If the budget for a fiscal year provides for fund-
22 ing of the construction of naval vessels at a level that is
23 less than the level determined necessary by the Director
24 of Cost Assessment and Program Evaluation under sub-
25 section (b)(5), the Secretary of the Navy shall include with

1 the defense budget materials for that fiscal year an assess-
2 ment that describes and discusses the risks associated
3 with the budget, including the risk associated with a re-
4 duced force structure that may result from funding naval
5 vessel construction at such a level.

6 “(e) CBO EVALUATION.—Not later than 60 days
7 after the date on which the congressional defense commit-
8 tees receive the plan under subsection (a), the Director
9 of the Congressional Budget Office shall submit to such
10 committees a report assessing the sufficiency of the con-
11 struction schedules and the estimated levels of annual
12 funding included in such plan with respect to the budget
13 submitted during the year in which the plan is submitted
14 and the future-years defense program submitted under
15 section 221 of this title.

16 “(f) CHANGES TO THE CONSTRUCTION PLAN.—In
17 any year in which a quadrennial defense review is not sub-
18 mitted, the Secretary of the Navy may not modify the con-
19 struction schedules submitted in the plan under subsection
20 (a) unless—

21 “(1) the modification is an increase in planned
22 ship construction;

23 “(2) the modification is a realignment of less
24 than one year of construction start dates in the fu-
25 ture-years defense plan submitted under section 221

1 of this title and the Secretary submits to the con-
2 gressional defense committees a report on such
3 modification, including—

4 “(A) the reasons for realignment;

5 “(B) any increased cost that will be in-
6 curred by the Navy because of the realignment;
7 and

8 “(C) an assessment of the effects that the
9 realignment will have on the shipbuilding indus-
10 trial base, including the secondary supply base;

11 or

12 “(3) the modification is a decrease in the num-
13 ber or type of combatant and support vessels of the
14 Navy and the Secretary submits to the congressional
15 defense committees a report on such modification,
16 including—

17 “(A) an addendum to the most recent
18 quadrennial defense review that fully explains
19 and justifies the decrease with respect to the
20 national security strategy of the United States
21 as set forth in the most recent national security
22 strategy report of the President under section
23 108 of the National Security Act of 1947 (50
24 U.S.C. 404a); and

1 “(B) a description of the additional reviews
2 and analyses considered by the Secretary after
3 the previous quadrennial defense review was
4 submitted that justify the decrease.

5 “(g) DEFINITIONS.—In this section:

6 “(1) The term ‘budget’, with respect to a fiscal
7 year, means the budget for that fiscal year that is
8 submitted to Congress by the President under sec-
9 tion 1105(a) of title 31.

10 “(2) The term ‘defense budget materials’, with
11 respect to a fiscal year, means the materials sub-
12 mitted to Congress by the Secretary of Defense in
13 support of the budget for that fiscal year.

14 “(3) The term ‘quadrennial defense review’
15 means the review of the defense programs and poli-
16 cies of the United States that is carried out every
17 four years under section 118 of this title.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 9 of such title is amended by
20 striking the item relating to section 231 and inserting the
21 following new item:

 “231. Long-range plan for construction of naval vessels.”.

22 **SEC. 1022. REQUIREMENTS FOR THE DECOMMISSIONING**
23 **OF NAVAL VESSELS.**

24 (a) NOTICE OF DECOMMISSIONING.—The Secretary
25 of the Navy may not decommission any battle force vessel

1 of the active fleet of the Navy unless the Secretary pro-
2 vides to the congressional defense committees written noti-
3 fication of such decommissioning in accordance with estab-
4 lished procedures.

5 (b) CONTENT OF NOTIFICATION.—Any notification
6 provided under subsection (a) shall include each of the fol-
7 lowing:

8 (1) The reasons for the proposed decommis-
9 sioning of the vessel.

10 (2) An analysis of the effect the decommis-
11 sioning would be likely to have on the deployment
12 schedules of other vessels in the same class as the
13 vessel proposed to be decommissioned.

14 (3) A certification from the Chairman of the
15 Joint Chiefs of Staff that the decommissioning of
16 the vessel will not adversely affect the requirements
17 of the combatant commanders to fulfill missions crit-
18 ical to national security.

19 (4) Any budgetary implications associated with
20 retaining the vessel in commission, expressed for
21 each applicable appropriation account.

22 **SEC. 1023. REQUIREMENTS FOR THE SIZE OF THE NAVY**
23 **BATTLE FORCE FLEET.**

24 (a) LIMITATION ON DECOMMISSIONING.—Until the
25 number of vessels in the battle force fleet of the Navy

1 reaches 313 vessels, the Secretary of the Navy shall not
2 decommission, in fiscal year 2011 or any subsequent fiscal
3 year, more than two-thirds of the number of vessels slated
4 for commissioning into the battle force fleet for that fiscal
5 year.

6 (b) TREATMENT OF SUBMARINES.—For purposes of
7 subsection (a), submarines of the battle force fleet slated
8 for decommissioning for any fiscal year shall not count
9 against the number of vessels the Secretary of the Navy
10 is required to maintain for that fiscal year.

11 **SEC. 1024. RETENTION AND STATUS OF CERTAIN NAVAL**
12 **VESSELS.**

13 The Secretary of the Navy shall retain the vessels the
14 U.S.S. Nassau (LHA 4) and the U.S.S. Peleliu (LHA 5),
15 in a commissioned and operational status, until the deliv-
16 ery to the Navy of the vessels the U.S.S. America (LHA
17 6) and the vessel designated as LHA 7, respectively.

18 **SEC. 1025. EXPRESSING THE SENSE OF CONGRESS REGARD-**
19 **ING THE NAMING OF A NAVAL COMBAT VES-**
20 **SEL AFTER FATHER VINCENT CAPODANNO.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Father Vincent Capodanno was born on
24 February 13, 1929, in Staten Island, New York.

1 (2) After attending Fordham University for a
2 year, he entered the Maryknoll Missionary Seminary
3 in upstate New York in 1949, and was ordained a
4 Catholic priest in June 1957.

5 (3) Father Capodanno's first assignment as a
6 missionary was working with aboriginal Taiwanese
7 people in the mountains of Taiwan where he served
8 in a parish and later in a school. After several years,
9 Father Capodanno returned to the United States for
10 leave and then was assigned to a Maryknoll school
11 in Hong Kong.

12 (4) Father Vincent Capodanno volunteered as a
13 Navy Chaplain and was commissioned a Lieutenant
14 in the Chaplain Corps of the United States Naval
15 Reserve in December 28, 1965.

16 (5) Father Vincent Capodanno selflessly ex-
17 tended his combat tour in Vietnam on the condition
18 he was allowed to remain with the infantry.

19 (6) On September 4, 1967, during a fierce bat-
20 tle in the Thang Binh District of the Que-Son Valley
21 in Vietnam, Father Capodanno went among the
22 wounded and dying, giving last rites and caring for
23 the injured. He was killed that day while taking care
24 of his Marines.

1 (7) On January 7, 1969, Father Vincent
2 Capodanno was awarded the Medal of Honor post-
3 humously for comforting the wounded and dying
4 during the Vietnam conflict. For his dedicated serv-
5 ice, Father Capodanno was also awarded the Bronze
6 Star, the Purple Heart, the Presidential Unit Cita-
7 tion, the National Defense Service Medal, the Viet-
8 nam Service Medal, the Vietnam Gallantry Cross
9 with Palm, and the Vietnam Campaign Medal.

10 (8) In his memory, the U.S.S. Capodanno was
11 commissioned on September 17, 1973. It is the only
12 Naval vessel to date to have received a Papal bless-
13 ing by Pope John Paul II in Naples, Italy, on Sep-
14 tember 4, 1981.

15 (9) The U.S.S. Capodanno was decommissioned
16 on July 30, 1993.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Secretary of the Navy should name a com-
19 bat vessel of the United States Navy the “U.S.S. Father
20 Vincent Capodanno”, in honor of Father Vincent
21 Capodanno, a lieutenant in the Navy Chaplain Corps.

1 **Subtitle D—Counterterrorism**

2 **SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAK-**
3 **ING REWARDS FOR COMBATING TERRORISM.**

4 Section 127b(c)(3)(C) of title 10, United States
5 Code, is amended by striking “2010” and inserting
6 “2011”.

7 **SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE**
8 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**
9 **TAINED AT UNITED STATES NAVAL STATION,**
10 **GUANTANAMO BAY, CUBA.**

11 None of the funds authorized to be appropriated by
12 this Act may be used to transfer, release, or assist in the
13 transfer or release to or within the United States, its terri-
14 tories, or possessions of Khalid Sheikh Mohammed or any
15 other detainee who—

16 (1) is not a United States citizen or a member
17 of the Armed Forces of the United States; and

18 (2) is or was held on or after January 20,
19 2009, at United States Naval Station, Guantanamo
20 Bay, Cuba, by the Department of Defense.

1 **SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO**
2 **THE TRANSFER OF INDIVIDUALS DETAINED**
3 **AT NAVAL STATION, GUANTANAMO BAY,**
4 **CUBA, TO FOREIGN COUNTRIES AND OTHER**
5 **FOREIGN ENTITIES.**

6 (a) LIMITATION.—The Secretary of Defense may not
7 use any of the amounts authorized to be appropriated by
8 this Act or otherwise available to the Department of De-
9 fense to transfer any individual detained at Guantanamo
10 to the custody or effective control of the individual’s coun-
11 try of origin, to any other foreign country, or to any other
12 foreign entity unless the Secretary submits to Congress
13 the certification described in subsection (b) by not later
14 than 30 days before the transfer of the individual.

15 (b) CERTIFICATION.—The certification described in
16 this subsection is a written certification made by the Sec-
17 retary of Defense, with concurrence of the Secretary of
18 State, that the government of the foreign country or the
19 recognized leadership of the foreign entity to which the
20 individual detained at Guantanamo is to be transferred—

21 (1) is not a designated state sponsor of ter-
22 rorism or a designated foreign terrorist organization;

23 (2) maintains effective control over each deten-
24 tion facility in which an individual is to be detained
25 if the individual is to be housed in a detention facil-
26 ity;

1 (3) is not, as of the date of the certification,
2 facing a threat that is likely to substantially affect
3 its ability to exercise control over the individual;

4 (4) has agreed to take effective steps to ensure
5 that the individual cannot take action to threaten
6 the United States, its citizens, or its allies in the fu-
7 ture;

8 (5) has taken such steps as the Secretary deter-
9 mines are necessary to ensure that the individual
10 cannot engage or re-engage in any terrorist activity;
11 and

12 (6) has agreed to share any information with
13 the United States that—

14 (A) is related to the individual or any asso-
15 ciates of the individual; and

16 (B) could affect the security of the United
17 States, its citizens, or its allies.

18 (c) PROHIBITION AND WAIVER IN CASES OF PRIOR
19 CONFIRMED RECIDIVISM.—

20 (1) PROHIBITION.—The Secretary of Defense
21 may not use any amount authorized to be appro-
22 priated or otherwise made available to the Depart-
23 ment of Defense to transfer any individual detained
24 at Guantanamo to the custody of the individual's
25 country of origin, to any other foreign country, or to

1 any other foreign entity if there is a confirmed case
2 of any individual who was detained at United States
3 Naval Station, Guantanamo Bay, Cuba, at any time
4 after September 11, 2001, who was transferred to
5 the foreign country or entity and subsequently en-
6 gaged in any terrorist activity.

7 (2) WAIVER.—The Secretary of Defense may
8 waive the prohibition in paragraph (1) if the Sec-
9 retary determines that such a transfer is in the na-
10 tional security interests of the United States and in-
11 cludes, as part of the certification described in sub-
12 section (b) relating to such transfer, the determina-
13 tion of the Secretary under this paragraph.

14 (d) DEFINITIONS.—For the purposes of this section:

15 (1) The term “individual detained at Guanta-
16 namo” means any individual who is located at
17 United States Naval Station, Guantanamo Bay,
18 Cuba, as of October 1, 2009, who—

19 (A) is not a citizen of the United States or
20 a member of the Armed Forces of the United
21 States; and

22 (B) is—

23 (i) in the custody or under the effec-
24 tive control of the Department of Defense;

25 or

1 (ii) otherwise under detention at
2 United States Naval Station, Guantanamo
3 Bay, Cuba.

4 (2) The term “foreign terrorist organization”
5 means any organization so designated by the Sec-
6 retary of State under section 219 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1189).

8 **SEC. 1034. PROHIBITION ON THE USE OF FUNDS TO MOD-**
9 **IFY OR CONSTRUCT FACILITIES IN THE**
10 **UNITED STATES TO HOUSE DETAINEES**
11 **TRANSFERRED FROM UNITED STATES NAVAL**
12 **STATION, GUANTANAMO BAY, CUBA.**

13 (a) **IN GENERAL.**—None of the funds authorized to
14 be appropriated by this Act may be used to construct or
15 modify any facility in the United States, its territories,
16 or possessions to house any individual described in sub-
17 section (c) for the purposes of detention or imprisonment
18 in the custody or under the effective control of the Depart-
19 ment of Defense.

20 (b) **EXCEPTION.**—The prohibition in subsection (a)
21 shall not apply to any modification of facilities at United
22 States Naval Station, Guantanamo Bay, Cuba.

23 (c) **INDIVIDUALS DESCRIBED.**—An individual de-
24 scribed in this subsection is any individual who, as of Oc-

1 tober 1, 2009, is located at United States Naval Station,
2 Guantanamo Bay, Cuba, and who—

3 (1) is not a citizen of the United States or a
4 member of the Armed Forces of the United States;
5 and

6 (2) is—

7 (A) in the custody or under the effective
8 control of the Department of Defense; or

9 (B) otherwise under detention at United
10 States Naval Station, Guantanamo Bay, Cuba.

11 (d) REPORT ON USE OF FACILITIES IN THE UNITED
12 STATES TO HOUSE DETAINEES TRANSFERRED FROM
13 GUANTANAMO.—

14 (1) REPORT REQUIRED.—Not later than April
15 1, 2011, the Secretary of Defense shall submit to
16 the congressional defense committees a report, in
17 classified or unclassified form, on the merits, costs,
18 and risks of using any proposed facility in the
19 United States, its territories, or possessions to house
20 any individual described in subsection (c) for the
21 purposes of detention or imprisonment in the cus-
22 tody or under the effective control of the Depart-
23 ment of Defense.

1 (2) ELEMENTS OF THE REPORT.—The report
2 required in paragraph (1) shall include each of the
3 following:

4 (A) A discussion of the merits associated
5 with any such proposed facility that would jus-
6 tify—

7 (i) using the facility instead of the fa-
8 cility at United States Naval Station,
9 Guantanamo Bay, Cuba; and

10 (ii) the proposed facility's contribution
11 to effecting a comprehensive policy for con-
12 tinuing military detention operations.

13 (B) The rationale for selecting the specific
14 site for any such proposed facility, including de-
15 tails for the processes and criteria used for
16 identifying the merits described in subpara-
17 graph (A) and for selecting the proposed site
18 over reasonable alternative sites.

19 (C) A discussion of any potential risks to
20 any community in the vicinity of any such pro-
21 posed facility, the measures that could be taken
22 to mitigate such risks, and the likely cost to the
23 Department of Defense of implementing such
24 measures.

1 (D) A discussion of any necessary modi-
2 fications to any such proposed facility to ensure
3 that any detainee transferred from Guantanamo
4 Bay to such facility could not come into contact
5 with any other individual, including any other
6 person detained at such facility, that is not ap-
7 proved for such contact by the Department of
8 Defense, and an assessment of the likely costs
9 of such modifications.

10 (E) A discussion of any support at the site
11 of any such proposed facility that would likely
12 be provided by the Department of Defense, in-
13 cluding the types of support, the number of per-
14 sonnel required for each such type, and an esti-
15 mate of the cost of such support.

16 (F) A discussion of any support, other
17 than support provided at a proposed facility,
18 that would likely be provided by the Depart-
19 ment of Defense for the operation of any such
20 proposed facility, including the types of possible
21 support, the number of personnel required for
22 each such type, and an estimate of the cost of
23 such support.

24 (G) A discussion of the legal issues, in the
25 judgment of the Secretary of Defense, that

1 could be raised as a result of detaining or im-
2 prisoning any individual described in subsection
3 (c) at any such proposed facility that could not
4 be raised while such individual is detained or
5 imprisoned at United States Naval Station,
6 Guantanamo Bay, Cuba.

7 **SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTEC-**
8 **TION POLICIES.**

9 (a) **COMPREHENSIVE REVIEW REQUIRED.**—The Sec-
10 retary of Defense shall conduct a comprehensive review
11 of Department of Defense policies, regulations, instruc-
12 tions, and directives pertaining to force protection within
13 the Department.

14 (b) **MATTERS COVERED.**—The review required under
15 subsection (a) shall include an assessment of each of the
16 following:

17 (1) Information sharing practices across the
18 Department of Defense, and among the State, local,
19 and Federal partners of the Department of Defense.

20 (2) Antiterrorism and force protection stand-
21 ards relating to standoff distances for buildings.

22 (3) Protective standards relating to chemical,
23 biological, radiological, nuclear, and high explosives
24 threats.

1 (4) Standards relating to access to Department
2 bases.

3 (5) Standards for identity management within
4 the Department, including such standards for iden-
5 tity cards and biometric identifications systems.

6 (6) Procedures for validating and approving in-
7 dividuals with regular or episodic access to military
8 installations, including military personnel, civilian
9 employees, contractors, family members of per-
10 sonnel, and other types of visitors.

11 (7) Procedures for sharing with appropriate De-
12 partment of Defense officials—

13 (A) information from the intelligence or
14 law enforcement community regarding possible
15 contacts with terrorists or terrorist groups,
16 criminal organizations, or other state and non-
17 state foreign entities actively working to under-
18 mine the security interests of the United States;
19 and

20 (B) personnel records or other derogatory
21 information regarding potentially suspicious ac-
22 tivities.

23 (8) Any legislative changes recommended for
24 implementing the recommendations contained in the
25 review.

1 (c) INTERIM REPORT.—Not later than March 1,
2 2011, the Secretary of Defense shall submit an interim
3 report on the comprehensive report required under sub-
4 section (a).

5 (d) FINAL REPORT.—Not later than June 1, 2011,
6 the Secretary of Defense shall submit to the Committees
7 on Armed Services of the Senate and House of Represent-
8 atives a final report on the comprehensive review required
9 under subsection (a). The final report shall include such
10 findings and recommendations as the Secretary considers
11 appropriate based on the review, including recommended
12 actions to be taken to implement the specific recommenda-
13 tions in the final report. The final report shall be sub-
14 mitted in an unclassified format, but may include a classi-
15 fied annex.

16 **SEC. 1036. FORT HOOD FOLLOW-ON REVIEW IMPLEMENTA-**
17 **TION FUND.**

18 (a) ESTABLISHMENT OF FUND.—Of the amounts au-
19 thorized to be appropriated under section 301(5), the Sec-
20 retary of Defense shall deposit \$100,000,000 into a fund
21 to be known as the “Fort Hood Follow-on Review Imple-
22 mentation Fund”. Amounts deposited in the Fund shall
23 be available to the Secretary to address the recommenda-
24 tions contained in the review known as the “Fort Hood
25 Follow-on Review”.

1 (b) TRANSFER AUTHORITY.—

2 (1) TRANSFERS AUTHORIZED.—Amounts in the
3 Fort Hood Follow-on Review Implementation Fund
4 may be transferred to any of the following accounts
5 and funds of the Department of Defense for the pur-
6 pose of addressing any of the recommendations con-
7 tained the Fort Hood Follow-on Review:

8 (A) Military personnel accounts.

9 (B) Operation and maintenance accounts.

10 (C) Procurement accounts.

11 (D) Research, development, test, and eval-
12 uation accounts.

13 (E) Defense working capital funds.

14 (F) Defense Health Program accounts.

15 (2) ADDITIONAL TRANSFER AUTHORITY.—The
16 transfer authority provided by paragraph (1) is in
17 addition to any other transfer authority available to
18 the Department of Defense.

19 (3) TRANSFERS BACK TO THE FUND.—Upon
20 the Secretary's determination that all or part of the
21 funds transferred from the Fort Hood Follow-on Re-
22 view Implementation Fund under paragraph (1) are
23 not necessary for the purpose for which such funds
24 were transferred, such funds may be transferred
25 back to the Fund.

1 (4) PRIOR NOTICE TO CONGRESSIONAL COMMIT-
2 TEES.—

3 (A) OBLIGATIONS.—No amount may be
4 obligated from the Fort Hood Follow-on Review
5 Implementation Fund until 30 days after the
6 date on which the Secretary of Defense notifies
7 the congressional defense committees, in writ-
8 ing, of the details of the proposed obligation.

9 (B) TRANSFERS.—No amount may be
10 transferred under paragraph (1) until 45 days
11 after the date on which the Secretary of De-
12 fense notifies the congressional defense commit-
13 tees, in writing, of the details of the proposed
14 transfer.

15 (5) EFFECT ON AUTHORIZATION AMOUNTS.—A
16 transfer to any account under paragraph (1) shall be
17 deemed to increase the amount authorized to be ap-
18 propriated for such account for fiscal year 2011 by
19 an amount equal to the amount so transferred.

20 (c) QUARTERLY OBLIGATION AND EXPENDITURE
21 REPORTS.—Not later than 15 days after the end of each
22 fiscal quarter of fiscal year 2011, the Secretary of Defense
23 shall submit to the congressional defense committees a re-
24 port on the Fort Hood Follow-on Review Implementation
25 Fund. Such reports shall include explanations of the

1 monthly commitments, obligations, and expenditures of
2 such Fund, expressed by line of action, for the fiscal quar-
3 ter covered by the report.

4 **SEC. 1037. INSPECTOR GENERAL INVESTIGATION OF THE**
5 **CONDUCT AND PRACTICES OF LAWYERS REP-**
6 **RESENTING INDIVIDUALS DETAINED AT**
7 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

8 (a) IN GENERAL.—The Inspector General of the De-
9 partment of Defense shall conduct an investigation of the
10 conduct and practices of lawyers described in subsection

11 (b). In conducting such investigation, the Inspector Gen-
12 eral shall—

13 (1) identify any conduct or practice of such a
14 lawyer that has—

15 (A) interfered with the operations of the
16 Department of Defense at Naval Station, Guan-
17 tanamo Bay, Cuba, relating to individuals de-
18 scribed in subsection (c);

19 (B) violated any applicable policy of the
20 Department;

21 (C) violated any law of the United States;

22 or

23 (D) generated any material risk to a mem-
24 ber of the Armed Forces of the United States;

1 (2) identify any actions taken by the Depart-
2 ment to address any conduct or practice identified in
3 paragraph (1); and

4 (3) determine whether any such conduct or
5 practice undermines the operations of the Depart-
6 ment relating to such individuals.

7 (b) **LAWYERS DESCRIBED.**—The lawyers described in
8 this subsection are military and non-military lawyers—

9 (1) who represent individuals described in sub-
10 section (c) in proceedings relating to petitions for
11 habeas corpus or in military commissions; and

12 (2) for whom there is reasonable suspicion that
13 they have engaged in conduct or practices described
14 in subsection (a)(1).

15 (c) **INDIVIDUALS DESCRIBED.**—An individual de-
16 scribed in this subsection is any individual who is located,
17 or who has been located at any time on or after September
18 11, 2001, at United States Naval Station, Guantanamo
19 Bay, Cuba, and who—

20 (1) is not a citizen of the United States or a
21 member of the Armed Forces of the United States;
22 and

23 (2) is or was—

24 (A) in the custody or under the effective
25 control of the Department of Defense; or

1 (B) otherwise under detention at the
2 United States Naval Station, Guantanamo Bay,
3 Cuba.

4 (d) REPORT.—Not later than 90 days after the date
5 of the completion of an investigation under subsection (a),
6 the Inspector General shall submit to the Committees on
7 Armed Services of the Senate and House of Representa-
8 tives a report describing the results of such investigation.

9 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed as authorizing the public disclosure
11 of information that is—

12 (1) specifically prohibited from disclosure by
13 any other provision of law;

14 (2) specifically required by Executive order to
15 be protected from disclosure in the interest of na-
16 tional defense or national security; or

17 (3) a part of an ongoing criminal investigation.

18 **SEC. 1038. PROHIBITION ON USE OF FUNDS TO GIVE MI-**
19 **RANDA WARNINGS TO AL QAEDA TERROR-**
20 **ISTS.**

21 None of the funds authorized to be appropriated in
22 this Act or otherwise made available to the Department
23 of Defense shall be used in violation of section 1040 of
24 the National Defense Authorization Act for Fiscal Year

1 2010 (Public Law 111–84; 123 Stat. 2454; 10 U.S.C. 801
2 note).

3 **Subtitle E—Studies and Reports**

4 **SEC. 1041. DEPARTMENT OF DEFENSE AEROSPACE-RE-** 5 **LATED MISHAP SAFETY INVESTIGATION RE-** 6 **PORTS.**

7 (a) PROVISION OF BRIEFINGS.—Not later than 30
8 days after the submittal of a written request by the chair-
9 man and ranking member of any of the congressional de-
10 fense committees, the Secretary of a military department
11 shall provide to that committee a briefing on the privileged
12 findings, causal factors, and recommendations contained
13 in a specific Department of Defense aerospace-related mis-
14 hap safety investigation report.

15 (b) BRIEFING ATTENDANCE.—A briefing provided
16 under subsection (a) may be attended only by the following
17 individuals:

18 (1) The chairman of the congressional defense
19 committee for which the briefing is provided.

20 (2) The ranking member of that committee.

21 (3) The chairmen and ranking members of any
22 subcommittees of that committee that the committee
23 chairman and ranking member jointly designate as
24 having jurisdiction over information contained in the
25 briefing.

1 (4) Not more than four professional staff mem-
2 bers designated jointly by the chairman and ranking
3 member of the committee.

4 (c) AVAILABILITY OF REPORTS.—During a briefing
5 provided under subsection (a), two copies of the privileged
6 version of the mishap safety investigation report that is
7 the subject of the briefing shall be made available for re-
8 view by each of the individuals who attend the briefing
9 pursuant to subsection (b). Each copy of the report shall
10 be returned to the Department of Defense at the conclu-
11 sion of the briefing.

12 (d) DEPARTMENT OF DEFENSE AEROSPACE-RE-
13 LATED MISHAP REPORTING REQUIREMENT.—The chair-
14 person who is appointed by the Secretary of a military
15 department for the purpose of conducting an aerospace-
16 related mishap safety board investigation, shall include as
17 an addendum in the privileged safety report a discussion—

18 (1) comparing and contrasting all of the find-
19 ings, causal factors, and recommendations contained
20 in the non-privileged, publicly-released version of the
21 aerospace-related mishap investigation report;

22 (2) describing how such findings, causal factors,
23 and recommendations differ from the findings, caus-
24 al factors, and recommendations contained in the
25 privileged version of the safety report; and

1 (3) the rationale that justifies any such dif-
2 ferences.

3 **SEC. 1042. INTERAGENCY NATIONAL SECURITY KNOWL-**
4 **EDGE AND SKILLS.**

5 (a) STUDY REQUIRED.—

6 (1) SELECTION OF INDEPENDENT STUDY ORGA-
7 NIZATION.—Not later than 60 days after the date of
8 the enactment of this Act, the Secretary of Defense
9 shall select and enter into an agreement with an ap-
10 propriate independent, nonprofit organization to
11 conduct a study of the matters described in sub-
12 section (b).

13 (2) QUALIFICATIONS OF ORGANIZATION SE-
14 LECTED.—The organization selected shall be quali-
15 fied on the basis of having performed related prior
16 work in the fields of national security and human
17 capital development, and on the basis of such other
18 criteria as the Secretary of Defense may determine.

19 (b) MATTERS TO BE COVERED.—The study required
20 by subsection (a) shall assess the current state of inter-
21 agency national security knowledge and skills in Depart-
22 ment of Defense civilian and military personnel, and make
23 recommendations for strengthening such knowledge and
24 skills. At minimum, the study shall include assessments
25 and recommendations on—

1 (1) interagency national security training, edu-
2 cation, and rotational assignment opportunities
3 available to civilians and military personnel;

4 (2) integration of interagency national security
5 education into the professional military education
6 system;

7 (3) level of interagency national security knowl-
8 edge and skills possessed by personnel currently
9 serving in civilian executive and general or flag offi-
10 cer positions, as represented by the interagency edu-
11 cation, training, and professional experiences they
12 have undertaken;

13 (4) incentives that enable and encourage mili-
14 tary and civilian personnel to undertake interagency
15 assignment, education, and training opportunities,
16 as well as disincentives and obstacles that discourage
17 undertaking such opportunities; and

18 (5) any plans or current efforts to improve the
19 interagency national security knowledge and skills of
20 civilian and military personnel.

21 (c) REPORT.—Not later than December 1, 2011, the
22 Secretary of Defense shall submit to the congressional de-
23 fense committees a report containing the findings and rec-
24 ommendations from the study required by subsection (a).

1 (d) DEFINITION.—In this section, the term “inter-
2 agency national security knowledge and skills” means an
3 understanding of, and the ability to efficiently and expedi-
4 tiously work within, the structures, mechanisms, and proc-
5 esses by which the departments, agencies, and elements
6 of the Federal Government that have national security
7 missions coordinate and integrate their policies, capabili-
8 ties, budgets, expertise, and activities to accomplish such
9 missions.

10 **SEC. 1043. REPORT ON ESTABLISHING A NORTHEAST RE-**
11 **GIONAL JOINT TRAINING CENTER.**

12 (a) REPORT REQUIRED.—Not later than 90 days
13 after the date of the enactment of this Act, the Secretary
14 of Defense shall submit to the congressional defense com-
15 mittees a report on the need for the establishment of a
16 Northeast Regional Joint Training Center.

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

19 (1) A list of facilities in the Northeastern
20 United States at which, as of the date of the enact-
21 ment of this Act, the Department of Defense has de-
22 ployed or has committed to deploying a joint train-
23 ing experimentation network.

24 (2) The extent to which such facilities have suf-
25 ficient unused capacity and expertise to accommo-

1 date and fully utilize a permanent joint training ex-
2 perimentation node.

3 (3) A list of potential locations for the regional
4 center discussed in the report.

5 (c) CONSIDERATIONS WITH RESPECT TO LOCA-
6 TION.—In determining potential locations for the regional
7 center of excellence to be discussed in the report required
8 under subsection (a), the Secretary of Defense shall take
9 into consideration Department of Defense facilities that
10 have—

11 (1) a workforce of skilled personnel;

12 (2) live, virtual, and constructive training capa-
13 bilities, and the ability to digitally connect them and
14 the associated battle command structure at the tac-
15 tical and operational levels;

16 (3) an extensive deployment history in Oper-
17 ation Enduring Freedom and Operation Iraqi Free-
18 dom;

19 (4) a location in the Northeastern United
20 States;

21 (5) an existing and permanent joint training
22 and experimentation network node;

23 (6) the capacity or potential capacity to accom-
24 modate a target training audience of up to 4000 ad-
25 ditional personnel; and

1 (7) the capability to accommodate the training
2 of current and future Army and Air Force un-
3 manned aircraft systems.

4 **SEC. 1044. COMPTROLLER GENERAL REPORT ON PRE-**
5 **VIOUSLY REQUESTED REPORTS.**

6 (a) REPORT REQUIRED.—Not later than March 1,
7 2011, the Comptroller General of the United States shall
8 submit to the Committee on Armed Services of the Senate
9 and the Committee on Armed Services of the House of
10 Representatives a report evaluating the sufficiency, ade-
11 quacy, and conclusions of following reports:

12 (1) The report on Air Force fighter force short-
13 falls, as required by the report of the House of Rep-
14 resentatives numbered 111–166, which accompanied
15 the National Defense Authorization Act for Fiscal
16 Year 2010 (Public Law 111–84).

17 (2) The report on procurement of 4.5 genera-
18 tion fighters, as required by section 131 of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 2010 (Public Law 111–84; 123 Stat. 2218).

21 (3) The report on combat air forces restruc-
22 turing, as required by the report of the House of
23 Representatives numbered 111–288, which accom-
24 panied the conference report for the National De-

1 fense Authorization Act for Fiscal Year 2010 (Pub-
2 lic Law 111–84).

3 (b) MATTERS COVERED BY REPORT.—The report re-
4 quired by subsection (a) shall examine the potential costs
5 and benefits of each of the following:

6 (1) The service life extension program costs to
7 sustain the legacy fighter fleet to meet inventory re-
8 quirements with an emphasis on the service life ex-
9 tension program compared to other options such as
10 procurement of 4.5 generation fighters.

11 (2) The Falcon Structural Augmentation Road-
12 map of F–16s, with emphasis on the cost-benefit of
13 such effort and the effect of such efforts on the serv-
14 ice life of the airframes.

15 (3) Any additional programs designed to extend
16 the service life of legacy fighter aircraft.

17 (c) PROHIBITION.—No fighter aircraft may be retired
18 from the Air Force or the Air National Guard inventory
19 in fiscal year 2011 until 180 days after the receipt by the
20 Committee on Armed Services of the Senate and the Com-
21 mittee on Armed Services of the House of Representatives
22 of the report required under subsection (a).

23 **SEC. 1045. REPORT ON NUCLEAR TRIAD.**

24 (a) REPORT.—Not later than March 1, 2011, the
25 Secretary of Defense, in consultation with the Adminis-

1 trator for Nuclear Security, shall submit to the congres-
2 sional defense committees a report on the nuclear triad.

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

5 (1) A detailed discussion of the modernization
6 and sustainment plans for each component of the
7 nuclear triad over the 20-year period beginning on
8 the date of the report.

9 (2) The funding required for each platform of
10 the nuclear triad with respect to operations and
11 maintenance, modernization, and replacement.

12 (3) Any industrial capacities that the Secretary
13 considers vital to ensure the viability of the nuclear
14 triad.

15 (c) NUCLEAR TRIAD DEFINED.—In this section, the
16 term “nuclear triad” means the nuclear deterrent capabili-
17 ties of the United States composed of ballistic missile sub-
18 marines, land-based missiles, and strategic bombers.

19 **SEC. 1046. CYBERSECURITY STUDY AND REPORT.**

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

22 (1) cybersecurity is one of the most serious na-
23 tional security challenges facing the United States;
24 and

1 (2) it is critical that the Department of Defense
2 develop technological solutions that ensure the secu-
3 rity and freedom of action of the Department while
4 operating in the cyber domain.

5 (b) STUDY.—The Secretary of Defense shall conduct
6 a study assessing—

7 (1) the current use of, and potential applica-
8 tions of, modeling and simulation tools to identify
9 likely cybersecurity methodologies and vulnerabilities
10 within the Department of Defense.

11 (2) the application of modeling and simulation
12 technology to develop strategies and programs to
13 deter hostile or malicious activity intended to com-
14 promise Department of Defense information sys-
15 tems.

16 (c) REPORT.—Not later than January 1, 2012, the
17 Secretary of Defense shall submit to the Committees on
18 Armed Services of the House of Representatives and the
19 Senate a report containing the results of the study con-
20 ducted under subsection (b), including recommendations
21 on possible options for increasing the use of simulation
22 tools to further strengthen the cybersecurity environment
23 of the Department of Defense.

1 (d) FORM.—The report required under subsection (c)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 **SEC. 1047. STUDY ON COMMON ALIGNMENT OF WORLD RE-**
5 **GIONS IN DEPARTMENTS AND AGENCIES**
6 **WITH INTERNATIONAL RESPONSIBILITIES.**

7 (a) STUDY REQUIRED.—The President shall commis-
8 sion a study to assess the need for and implications of
9 a common alignment of world regions in the internal orga-
10 nization of departments and agencies of the Federal Gov-
11 ernment with international responsibilities.

12 (b) PARTICIPATING DEPARTMENTS AND AGEN-
13 CIES.—The following departments and agencies, at a min-
14 imum, shall participate in the study:

15 (1) The Department of Defense, including the
16 combatant commands.

17 (2) The Department of State.

18 (3) The United States Agency for International
19 Development.

20 (4) The Department of Justice.

21 (5) The Department of Commerce.

22 (6) The Department of the Treasury.

23 (7) The intelligence community.

24 (8) Such other departments and agencies as the
25 President considers appropriate.

1 (c) COOPERATION AND ACCESS.—The heads of the
2 departments and agencies participating in the study shall
3 provide full cooperation with, and access to appropriate
4 information to, the team carrying out the study.

5 (d) MATTERS COVERED.—The study required under
6 subsection (a) shall, at a minimum, assess—

7 (1) the problems resulting from different geo-
8 graphic boundaries within the various departments
9 and agencies;

10 (2) potential obstacles to implementing a com-
11 mon alignment;

12 (3) the advantages and disadvantages of a com-
13 mon alignment; and

14 (4) impediments to interagency coordination be-
15 cause of differing regional authority levels.

16 (e) REPORT.—The President shall submit to Con-
17 gress a report on the study required under subsection (a)
18 not later than 180 days after the date of the enactment
19 of this Act.

20 **SEC. 1048. REQUIRED REPORTS CONCERNING BOMBER**
21 **MODERNIZATION, SUSTAINMENT, AND RE-**
22 **CAPITALIZATION EFFORTS IN SUPPORT OF**
23 **THE NATIONAL DEFENSE STRATEGY.**

24 (a) AIR FORCE REPORT.—

1 (1) REPORT REQUIRED.—Not later than 360
2 days after the date of the enactment of this Act, the
3 Secretary of the Air Force shall submit to the con-
4 gressional defense committees, the Director of the
5 Congressional Budget Office, and the Comptroller
6 General of the United States a report that in-
7 cludes—

8 (A) a discussion of the cost, schedule, and
9 performance of all currently planned efforts to
10 modernize and keep viable the existing B-1, B-
11 2, and B-52 bomber fleets and a discussion of
12 the forecasted service-life and all sustainment
13 challenges that the Secretary of the Air Force
14 may confront in keeping those platforms viable
15 until the retirement of such aircraft;

16 (B) a discussion, presented in a compari-
17 son and contrast type format, of the scope of
18 the 2007 Next-Generation Long Range Strike
19 Analysis of Alternatives guidance and subse-
20 quent Analysis of Alternatives report tasked by
21 the Under Secretary of Defense for Acquisition,
22 Technology, and Logistics in the September 11,
23 2006, Acquisition Decision Memorandum, as
24 compared to the scope and directed guidance of
25 the year 2010 Long Range Strike Study effort

1 currently being conducted by the Under Sec-
2 retary of Defense for Policy and the Office of
3 the Secretary of Defense's Cost Assessment and
4 Program Evaluation Office;

5 (C) a discussion of an objectivity and suffi-
6 ciency review of the final report issued subse-
7 quent to the 2010 Long Range Strike study ef-
8 fort currently being conducted by the Under
9 Secretary of Defense for Policy and the Office
10 of the Secretary of Defense's Cost Assessment
11 and Program Evaluation Office;

12 (D) a discussion of the progress of efforts
13 to field a next generation long-range strike plat-
14 form, including a review of—

15 (i) the next generation long-range
16 strike requirements development and vali-
17 dation;

18 (ii) the threshold and objective key
19 performance parameters;

20 (iii) the acquisition strategy, the ac-
21 quisition oversight strategy, projected life-
22 cycle costs, the cost-risk analysis, the tech-
23 nology readiness levels of planned capabili-
24 ties; and

1 (iv) the development, testing, produc-
2 tion and fielding timelines;

3 (E) a discussion of the costs, development,
4 testing, fielding and operational employment
5 challenges, capability gaps, limitations and
6 shortfalls of the Secretary of Defense's plan to
7 field a long-range, penetrating, survivable, per-
8 sistent and enduring "family of systems" as
9 compared to the development, testing, fielding
10 and operational employment of a singular plat-
11 form that encompasses all the required afore-
12 mentioned characteristics; and

13 (F) a discussion of the planning efforts for
14 developing and fielding a transformational long-
15 range strike capability in the 2035 timeframe.

16 (2) PREPARATION OF REPORT.—The report
17 under paragraph (1) shall be prepared by the Insti-
18 tute for Defense Analyses and submitted to the Sec-
19 retary of the Air Force for submittal by the Sec-
20 retary in accordance with that paragraph.

21 (b) COST ANALYSIS AND PROGRAM EVALUATION RE-
22 PORT.—The Director of the Cost Analysis and Program
23 Evaluation of the Office of the Secretary of Defense shall
24 submit to the congressional defense committees, the Direc-
25 tor of the Congressional Budget Office, and the Comp-

1 troller General of the United States a report that in-
2 cludes—

3 (1) the assumptions and estimated life-cycle
4 costs of the Department’s long-range, penetrating,
5 survivable, persistent, and enduring “family of sys-
6 tems” platforms; and

7 (2) the assumptions and estimated life-cycle
8 costs of the Next Generation Platform program, as
9 planned and approved by the Secretary of Defense,
10 prior to the cancellation of the program on April 6,
11 2009.

12 (c) CBO REPORT.—Not later than 360 days after the
13 date of the enactment of this Act, the Congressional Budg-
14 et Office shall submit to the congressional defense commit-
15 tees and to the Comptroller General of the United States
16 a report that includes—

17 (1) a life-cycle-cost analysis of the costs of mod-
18 ernizing and sustaining the current fleet of B–1, B–
19 2 and B–52 bombers to meet future long-range
20 strike requirements compared to the costs of devel-
21 opment, testing, fielding, and operational employ-
22 ment of a singular Next Generation Bomber plat-
23 form to replace the existing fleet of B–1, B–2 and
24 B–52 platforms;

1 (2) a life-cycle-cost analysis of the costs of the
2 Secretary of Defense’s plan to field a long-range,
3 penetrating, survivable, persistent, and enduring
4 “family of systems” compared to the costs of devel-
5 oping, testing, fielding and operational employment
6 of a singular Next Generation Bomber platform;

7 (3) a life-cycle-cost analysis of the costs the
8 Secretary of Defense’s plan to field a long-range,
9 penetrating, survivable, persistent and enduring
10 “family of systems” compared to the costs of mod-
11 ernizing and sustaining the current fleet of B-1, B-
12 2 and B-52 bombers to meet future long-range
13 strike requirements; and

14 (4) the results of an objectivity and sufficiency
15 review of the cost analysis described in subsection
16 (b)(1).

17 (d) ACCESS TO PROGRAMMATIC INFORMATION.—

18 (1) IN GENERAL.—The Secretary of Defense
19 and the Secretary of the Air Force shall provide
20 prompt access to programmatic information re-
21 quested by agency personnel for the purpose of pro-
22 ducing a report required under this section, includ-
23 ing any and all classified information pertaining to
24 the Department’s “family of systems” programs.

1 (2) PROMPT ACCESS DEFINED.—For purposes
2 of paragraph (1), the term “prompt access” means
3 access provided not later than 15 business days after
4 receiving a request.

5 **Subtitle F—Other Matters**

6 **SEC. 1051. NATIONAL DEFENSE PANEL.**

7 Subsection (f) of section 118 of title 10, United
8 States Code, is amended to read as follows:

9 “(f) NATIONAL DEFENSE PANEL.—

10 “(1) ESTABLISHMENT.—Not later than Feb-
11 ruary 1 of a year in which a quadrennial defense re-
12 view is conducted under this section, there shall be
13 established a bipartisan, independent panel to be
14 known as the National Defense Panel (in this sec-
15 tion referred to as the ‘Panel’). The Panel shall have
16 the duties set forth in this subsection.

17 “(2) MEMBERSHIP.—The Panel shall be com-
18 posed of ten members who are recognized experts in
19 matters relating to the national security of the
20 United States. Eight of the members shall be ap-
21 pointed as follows:

22 “(A) Two by the chairman of the Com-
23 mittee on Armed Services of the House of Rep-
24 resentatives.

1 “(B) Two by the chairman of the Com-
2 mittee on Armed Services of the Senate.

3 “(C) Two by the ranking member of the
4 Committee on Armed Services of the House of
5 Representatives.

6 “(D) Two by the ranking member of the
7 Committee on Armed Services of the Senate.

8 “(3) CO-CHAIRS OF THE PANEL.—In addition
9 to the members appointed under paragraph (2), the
10 Secretary of Defense shall appoint two members, one
11 from each of the major political parties, to serve as
12 co-chairs of the panel.

13 “(4) PERIOD OF APPOINTMENT; VACANCIES.—
14 Members shall be appointed for the life of the Panel.
15 Any vacancy in the Panel shall be filled in the same
16 manner as the original appointment.

17 “(5) DUTIES.—The Panel shall have the fol-
18 lowing duties with respect to a quadrennial defense
19 review:

20 “(A) Not later than March 1 of a year in
21 which the review is conducted, the Panel shall
22 submit to the Secretary of Defense a report
23 that sets the parameters and provide guidance
24 to the Secretary on the conduct of the review.
25 The report of the Panel under this subpara-

1 graph shall, at a minimum, include such guid-
2 ance as is necessary to ensure that the review
3 is conducted in a manner that provides for ade-
4 quately addressing all elements listed in sub-
5 section (d).

6 “(B) While the review is being conducted,
7 the Panel shall review the updates from the
8 Secretary of Defense required under paragraph
9 (8) on the conduct of the review.

10 “(C) The Panel shall—

11 “(i) review the Secretary of Defense’s
12 terms of reference and any other materials
13 providing the basis for, or substantial in-
14 puts to, the work of the Department of
15 Defense on the quadrennial defense review;

16 “(ii) conduct an assessment of the as-
17 sumptions, strategy, findings, and risks of
18 the report on the quadrennial defense re-
19 view required in subsection (d), with par-
20 ticular attention paid to the risks described
21 in that report;

22 “(iii) conduct an independent assess-
23 ment of a variety of possible force struc-
24 tures of the armed forces, including the
25 force structure identified in the report on

1 the quadrennial defense review required in
2 subsection (d);

3 “(iv) review the resource requirements
4 identified pursuant to subsection (b)(3)
5 and, to the extent practicable, make a gen-
6 eral comparison to the resource require-
7 ments to support the forces contemplated
8 under the force structures assessed under
9 subparagraph (C); and

10 “(v) provide to Congress and the Sec-
11 retary of Defense, through the report
12 under paragraph (7), any recommenda-
13 tions it considers appropriate for their con-
14 sideration.

15 “(6) FIRST MEETING.—If the Secretary of De-
16 fense has not made the Secretary’s appointments to
17 the Panel under paragraph (3) by February 1 of a
18 year in which a quadrennial defense review is con-
19 ducted under this section, the Panel shall convene
20 for its first meeting with the remaining members.

21 “(7) REPORT.—Not later than 3 months after
22 the date on which the report on a quadrennial de-
23 fense review is submitted under subsection (d) to the
24 congressional committees named in that subsection,
25 the Panel established under paragraph (1) shall sub-

1 mit to those committees an assessment of the quad-
2 rennial defense review, including a description of the
3 items addressed under paragraph (5) with respect to
4 that quadrennial defense review.

5 “(8) UPDATES FROM SECRETARY OF DE-
6 FENSE.—The Secretary of Defense shall periodically,
7 but not less often than every 30 days, brief the
8 Panel on the progress of the conduct of a quadren-
9 nial defense review under subsection (a).

10 “(9) ADMINISTRATIVE PROVISIONS.—

11 “(A) The Panel may secure directly from
12 the Department of Defense and any of its com-
13 ponents such information as the Panel con-
14 siders necessary to carry out its duties under
15 this subsection. The head of the department or
16 agency concerned shall ensure that information
17 requested by the Panel under this paragraph is
18 promptly provided.

19 “(B) Upon the request of the co-chairs of
20 the Panel, the Secretary of Defense shall make
21 available to the Panel the services of any feder-
22 ally funded research and development center
23 that is covered by a sponsoring agreement of
24 the Department of Defense.

1 “(C) The Panel shall have the authorities
2 provided in section 3161 of title 5, United
3 States Code, and shall be subject to the condi-
4 tions set forth in such section.

5 “(D) Funds for activities of the Panel shall
6 be provided from amounts available to the De-
7 partment of Defense.

8 “(10) TERMINATION.—The Panel for a quad-
9 rennial defense review shall terminate 45 days after
10 the date on which the Panel submits its final report
11 on the quadrennial defense review under paragraph
12 (7).”.

13 **SEC. 1052. QUADRENNIAL DEFENSE REVIEW.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the quadrennial defense review is a critical stra-
16 tegic document and should be based upon a process uncon-
17 strained by budgetary influences so that such influences
18 do not determine or limit its outcome.

19 (b) RELATIONSHIP OF QUADRENNIAL DEFENSE RE-
20 VIEW TO DEFENSE BUDGET.—Paragraph (4) of section
21 118(b) of title 10, United States Code, is amended to read
22 as follows:

23 “(4) to make recommendations that will not be
24 influenced, constrained, or informed by the budget

1 submitted to Congress by the President pursuant to
2 section 1105 of title 31.”.

3 **SEC. 1053. SALE OF SURPLUS MILITARY EQUIPMENT TO**
4 **STATE AND LOCAL HOMELAND SECURITY**
5 **AND EMERGENCY MANAGEMENT AGENCIES.**

6 (a) STATE AND LOCAL AGENCIES TO WHICH SALES
7 MAY BE MADE.—Section 2576 of title 10, United States
8 Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking “local law enforcement and
11 firefighting” and inserting “local law enforce-
12 ment, firefighting, homeland security, and
13 emergency management”; and

14 (B) by striking “carrying out law enforce-
15 ment and firefighting activities” and inserting
16 “carrying out law enforcement, firefighting,
17 homeland security, and emergency management
18 activities”; and

19 (2) in subsection (b), by striking “law enforce-
20 ment or firefighting” both places it appears and in-
21 serting “law enforcement, firefighting, homeland se-
22 curity, or emergency management”.

23 (b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—

24 Subsection (a) of such section, as amended by subsection

25 (a) of this section, is further amended by striking “and

1 protective body armor” and inserting “personal protective
2 equipment, and other appropriate equipment”.

3 (c) CLERICAL AMENDMENTS.—

4 (1) SECTION HEADING.—The heading of such
5 section is amended to read as follows:

6 **“§ 2576. Surplus military equipment: sale to State and**
7 **local law enforcement, firefighting, home-**
8 **land security, and emergency manage-**
9 **ment agencies”.**

10 (2) TABLE OF SECTIONS.—The item relating to
11 such section in the table of sections at the beginning
12 of chapter 153 of such title is amended to read as
13 follows:

“2576. Surplus military equipment: sale to State and local law enforcement,
firefighting, homeland security, and emergency management
agencies.”.

14 **SEC. 1054. DEPARTMENT OF DEFENSE RAPID INNOVATION**
15 **PROGRAM.**

16 (a) PROGRAM ESTABLISHED.—The Secretary of De-
17 fense shall establish a program to accelerate the fielding
18 of innovative technologies developed using Department of
19 Defense research funding and the commercialization of
20 such technologies. Not later than 180 days after the date
21 of the enactment of this Act, the Secretary shall issue
22 guidelines for the operation of the program, including—

1 (1) criteria for an application for funding by a
2 military department, defense agency, or the unified
3 combatant command for special operations forces;

4 (2) the purposes for which such a department,
5 agency, or command may apply for funds and appro-
6 priate requirements for technology development or
7 commercialization to be supported using program
8 funds;

9 (3) the priorities, if any, to be provided to field
10 or commercialize technologies developed by certain
11 types of Department of Defense research funding;
12 and

13 (4) criteria for evaluation of an application for
14 funding by a department, agency, or command.

15 (b) APPLICATIONS FOR FUNDING.—

16 (1) IN GENERAL.—Under the program, the Sec-
17 retary shall, not less often than annually, solicit
18 from the heads of the military departments, the de-
19 fense agencies, and the unified combatant command
20 for special operations forces applications for funding
21 to be used to enter into contracts, cooperative agree-
22 ments, or other transaction agreements entered into
23 pursuant to section 845 of the National Defense Au-
24 thorization Act for Fiscal Year 1994 (Public Law
25 103–160; 107 Stat. 1721; 10 U.S.C. 2371 note)

1 with appropriate entities for the fielding or commer-
2 cialization of technologies.

3 (2) TREATMENT PURSUANT TO CERTAIN CON-
4 GRESSIONAL RULES.—Nothing in this section shall
5 be interpreted to require any official of the Depart-
6 ment of Defense to provide funding under this sec-
7 tion to any earmark as defined pursuant to House
8 Rule XXI, clause 9, or any congressionally directed
9 spending item as defined pursuant to Senate Rule
10 XLIV, paragraph 5.

11 (c) FUNDING.—Subject to the availability of appro-
12 priations for such purpose, of the amounts authorized to
13 be appropriated for research, development, test, and eval-
14 uation, defense-wide for each of fiscal years 2011 through
15 2015, not more than \$500,000,000 may be used for any
16 such fiscal year for the program established under sub-
17 section (a).

18 (d) TRANSFER AUTHORITY.—The Secretary may
19 transfer funds available for the program to the research,
20 development, test, and evaluation accounts of a military
21 department, defense agency, or the unified combatant
22 command for special operations forces pursuant to an ap-
23 plication, or any part of an application, that the Secretary
24 determines would support the purposes of the program.
25 The transfer authority provided in this subsection is in

1 addition to any other transfer authority available to the
2 Department of Defense.

3 (e) DELEGATION OF MANAGEMENT OF PROGRAM.—

4 The Secretary may delegate the management and oper-
5 ation of the program established under subsection (a) to
6 the Assistant Secretary of Defense for Research and Engi-
7 neering.

8 (f) REPORT.—Not later than 60 days after the last
9 day of a fiscal year during which the Secretary carries out
10 a program under this section, the Secretary shall submit
11 a report to the congressional defense committees providing
12 a detailed description of the operation of the program dur-
13 ing such fiscal year.

14 (g) TERMINATION.—The authority to carry out a
15 program under this section shall terminate on September
16 30, 2015. Any amounts made available for the program
17 that remain available for obligation on the date the pro-
18 gram terminates may be transferred under subsection (d)
19 during the 180-day period beginning on the date of the
20 termination of the program.

21 **SEC. 1055. TECHNICAL AND CLERICAL AMENDMENTS.**

22 (a) TITLE 5, UNITED STATES CODE.—Subsection
23 (l)(2)(B) of section 8344 of title 5, United States Code,
24 as added by section 1122(a) of the National Defense Au-
25 thorization Act for Fiscal Year 2010 (Public Law 111–

1 84; 123 Stat. 2505), is amended by striking “5201 et
2 seq.” and inserting “5211 et seq.”.

3 (b) TITLE 10, UNITED STATES CODE.—Title 10,
4 United States Code, is amended as follows:

5 (1) Section 127d(d)(1) is amended by striking
6 “Committee on International Relations” and insert-
7 ing “Committee on Foreign Affairs”.

8 (2) Section 132 is amended—

9 (A) by redesignating subsection (d), as
10 added by section 2831(a) of the National De-
11 fense Authorization Act for Fiscal Year 2010
12 (Public Law 111–84; 123 Stat. 2669), as sub-
13 section (e); and

14 (B) in such subsection, by striking “Guam
15 Executive Council” and inserting “Guam Over-
16 sight Council”.

17 (3)(A) Section 382 is amended by striking “sec-
18 tion 175 or 2332c” in subsections (a), (b)(2)(C),
19 and (d)(2)(A)(ii) and inserting “section 175, 229, or
20 2332a”.

21 (B) The heading of such section is amended by
22 striking “**chemical or biological**”.

23 (C) The table of sections at the beginning of
24 chapter 18 is amended by striking the item relating
25 to section 382 and inserting the following new item:

“382. Emergency situations involving weapons of mass destruction.”.

1 (4) Section 1175a(j)(3) is amended by striking
2 “title 10” and inserting “this title”.

3 (5) Section 1781b(d) is amended by striking
4 “March 1, 2008, and each year thereafter” and in-
5 serting “March 1 each year”.

6 (6) Section 1781c(h)(1) is amended by striking
7 “180 days after the date of the enactment of the
8 National Defense Authorization Act for Fiscal Year
9 2010, and annually thereafter” and inserting “April
10 30 each year”.

11 (7) Section 2130a(b)(1) is amended by striking
12 “Training Program” both places it appears and in-
13 serting “Training Corps program”.

14 (8) Section 2222(a) is amended by striking
15 “Effective October 1, 2005, funds” and inserting
16 “Funds”.

17 (9) The table of sections at the beginning of
18 subchapter I of chapter 134, as amended by section
19 1031(a)(2) of the National Defense Authorization
20 Act for Fiscal Year 2010 (Public Law 111–84; 123
21 Stat. 2448), is amended by transferring the item re-
22 lating to section 2241a from the end of the table of
23 sections to appear after the item relating to section
24 2241.

1 (10) Section 2362(e)(1) is amended by striking
2 “IV” and inserting “V”.

3 (11) Section 2533a(d) is amended in para-
4 graphs (1) and (4) by striking “(b)(1)(A), (b)(2), or
5 (b)(3)” and inserting “(b)(1)(A) or (b)(2)”.

6 (12) Section 2642(a)(3) is amended by striking
7 “During the five-year period beginning on the date
8 of the enactment of the National Defense Authoriza-
9 tion Act for Fiscal Year 2010” and inserting “Dur-
10 ing the period beginning on October 28, 2009, and
11 ending on October 28, 2014”.

12 (13) Section 2667(e)(1)(A)(ii) is amended by
13 striking “sections 2668 and 2669” and inserting
14 “section 2668”.

15 (14) Section 2684a(g)(1) is amended by strik-
16 ing “March 1, 2007, and annually thereafter” and
17 inserting “March 1 each year”.

18 (15) Section 2687a(a) is amended by striking
19 “31for” and inserting “31 for”.

20 (16) Section 2922d is amended by striking “1
21 or more” each place it appears and inserting “one
22 or more”.

23 (17) Section 10216 is amended by striking
24 “section 115(c)” in subsections (b)(1), (c)(1), and
25 (c)(2)(A) and inserting “section 115(d)”.

1 (18) Section 10217(c)(1) is amended—

2 (A) by striking “Effective October 1, 2007,
3 the” and inserting “The”; and

4 (B) by striking “after the preceding sen-
5 tence takes effect”.

6 (19) Section 12203(a) is amended by striking
7 “above” in the first sentence and inserting “of”.

8 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
9 FISCAL YEAR 2010.—Effective as of October 28, 2009,
10 and as if included therein as enacted, the National De-
11 fense Authorization Act for Fiscal Year 2010 (Public Law
12 111–84) is amended as follows:

13 (1) Section 325(d)(4) (123 Stat. 2254) is
14 amended by striking “section 236” and inserting
15 “section 235”.

16 (2) Section 581(a)(1)(C) (123 Stat. 2326) is
17 amended by striking “subsection (f)” and inserting
18 “subsection (g), as redesignated by section
19 582(b)(1)”.

20 (3) Section 584(a) (123 Stat. 2330) is amended
21 by striking “such Act” and inserting “the Uni-
22 formed and Overseas Citizens Absentee Voting Act”.

23 (4) Section 585(b)(1) (123 Stat. 2331) is
24 amended by striking subparagraphs (A) and (B),
25 and inserting the following new subparagraphs:

1 “(A) in paragraph (2), by striking ‘section
2 102(4)’ and inserting ‘section 102(a)(4)’; and

3 “(B) by striking paragraph (4) and insert-
4 ing the following new paragraph:

5 “‘(4) prescribe a suggested design for absentee
6 ballot mailing envelopes;’; and”.

7 (5) Section 589 (123 Stat. 2334; 42 U.S.C.
8 1973ff–7) is amended—

9 (A) in subsection (a)(1)—

10 (i) by striking “section 107(a)” and
11 inserting “section 107(1)”; and

12 (ii) by striking “1973ff et seq.” and
13 inserting “1973ff–6(1)”; and

14 (B) in subsection (e)(1), by striking
15 “1977ff note” and inserting “1973ff note”.

16 (6) The undesignated section immediately fol-
17 lowing section 603 (123 Stat. 2350) is designated as
18 section 604.

19 (7) Section 714(c) (123 Stat. 2382; 10 U.S.C.
20 1071 note) is amended—

21 (A) by striking “feasability” both places it
22 appears and inserting “feasibility”; and

23 (B) by striking “specialities” both places it
24 appears and inserting “specialties”.

1 (8) Section 813(a)(3) is amended by inserting
2 “order” after “task” in the matter proposed to be
3 struck.

4 (9) Section 921(b)(2) (123 Stat. 2432) is
5 amended by inserting “subchapter I of” before
6 “chapter 21”.

7 (10) Section 1014(c) (123 Stat. 2442) is
8 amended by striking “in which the support” and in-
9 serting “in which support”.

10 (11) Section 1043(d) (123 Stat. 2457; 10
11 U.S.C. 2353 note) is amended by striking “et 13
12 seq.” and inserting “et seq.”.

13 (12) Section 1055(f) (123 Stat. 2462) is
14 amended by striking “Combating” and inserting
15 “Combatting”.

16 (13) Section 1063(d)(2) (123 Stat. 2470) is
17 amended by striking “For purposes of this section,
18 the” and inserting “The”.

19 (14) Section 1080(b) (123 Stat. 2479; 10
20 U.S.C. 801 note) is amended—

21 (A) by striking “title 14” and inserting
22 “title XIV”;

23 (B) by striking “title 10” and inserting
24 “title X”; and

1 (C) by striking “the Military Commissions
2 Act of 2006 (10 U.S.C. 948 et seq.; Public Law
3 109–366)” and inserting “chapter 47A of title
4 10, United States Code”.

5 (15) Section 1111(b) (123 Stat. 2495; 10
6 U.S.C. 1580 note prec.) is amended by striking “the
7 Secretary” in the first sentence and inserting “the
8 Secretary of Defense”.

9 (16) Section 1113(g)(1) (123 Stat. 2502; 5
10 U.S.C. 9902 note) is amended by inserting “United
11 States Code,” after “title 5,” the first place it ap-
12 pears.

13 (17) Section 1121 (123 Stat. 2505) is amend-
14 ed—

15 (A) in subsection (a)—

16 (i) by striking “Section 9902(h)” and
17 inserting “Section 9902(g)”; and

18 (ii) by inserting “as redesignated by
19 section 1113(b)(1)(B),” after “Code,”; and

20 (B) in subsection (b), by striking “section
21 9902(h)” and inserting “section 9902(g)”.

22 (18) Section 1261 (123 Stat. 2553; 22 U.S.C.
23 6201 note) is amended by inserting a space between
24 the first short title and “or”.

1 (19) Section 1306(b) (123 Stat. 2560) is
2 amended by striking “fiscal year” and inserting
3 “Fiscal Year”.

4 (20) Subsection (b) of section 1803 (123 Stat.
5 2612) is amended to read as follows:

6 “(b) APPELLATE REVIEW UNDER DETAINEE TREAT-
7 MENT ACT OF 2005.—

8 “(1) DEPARTMENT OF DEFENSE, EMERGENCY
9 SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HUR-
10 RICANES IN THE GULF OF MEXICO, AND PANDEMIC
11 INFLUENZA ACT, 2006.—Section 1005(e) of the De-
12 tainee Treatment Act of 2005 (title X of Public Law
13 109–148; 10 U.S.C. 801 note) is amended by strik-
14 ing paragraph (3).

15 “(2) NATIONAL DEFENSE AUTHORIZATION ACT
16 FOR FISCAL YEAR 2006.—Section 1405(e) of the De-
17 tainee Treatment Act of 2005 (Public Law 109–163;
18 10 U.S.C. 801 note) is amended by striking para-
19 graph (3).”.

20 (21) Section 1916(b)(1)(B) (123 Stat. 2624) is
21 amended by striking the comma after “5941”.

22 (22) Section 2804(d)(2) (123 Stat. 2662) is
23 amended by inserting “subchapter III of” before
24 “chapter 169”.

1 (23) Section 2835(f)(1) (123 Stat. 2677) is
2 amended by striking “publically-available” and in-
3 serting “publicly available”.

4 (24) Section 3503(b)(1) (123 Stat. 2719) is
5 amended by striking the extra quotation marks.

6 (25) Section 3508(1) (123 Stat. 2721) is
7 amended by striking “headline” and inserting
8 “heading”.

9 (d) DUNCAN HUNTER NATIONAL DEFENSE AUTHOR-
10 IZATION ACT FOR FISCAL YEAR 2009.—

11 (1) Section 596(b)(1)(D) of the Duncan Hunter
12 National Defense Authorization Act for Fiscal Year
13 2009 (Public Law 110–417; 10 U.S.C. 1071 note),
14 as amended by section 594 of the National Defense
15 Authorization Act for Fiscal Year 2010 (Public Law
16 111–84; 123 Stat. 2337), is amended by striking
17 “or flag” the second place it appears.

18 (2) Section 1111(b) of the Duncan Hunter Na-
19 tional Defense Authorization Act for Fiscal Year
20 2009 (Public Law 110–417; 10 U.S.C. 143 note), as
21 amended by section 1109 of the National Defense
22 Authorization Act for Fiscal Year 2010 (Public Law
23 111–84; 123 Stat. 2492), is amended—

24 (A) in the matter preceding paragraph (1),
25 by striking “secretary of a military depart-

1 ment” and inserting “Secretary of a military
2 department”;

3 (B) in paragraph (1)—

4 (i) by striking “the the requirements”
5 and inserting “the requirements”; and

6 (ii) by striking “this title” and insert-
7 ing “such title”; and

8 (C) in paragraph (2), by striking “any any
9 of the following” and inserting “any of the fol-
10 lowing”.

11 (e) WEAPON SYSTEMS ACQUISITION REFORM ACT OF
12 2009.—Effective as of May 22, 2009, and as if included
13 therein as enacted, the Weapon Systems Acquisition Re-
14 form Act of 2009 (Public Law 111–23) is amended as fol-
15 lows:

16 (1) Section 205(a)(1)(B) (123 Stat. 1724) is
17 amended in the matter proposed to be inserted by
18 striking “paragraphs (1) and (2)” and inserting
19 “paragraphs (1), (2), and (3)”.

20 (2) Section 205(c) (124 Stat. 1725) is amended
21 by striking “2433a(c)(3)” and inserting
22 “2433a(c)(1)(C)”.

23 (f) TECHNICAL CORRECTION REGARDING SBIR EX-
24 TENSION.—Section 9(m)(2) of the Small Business Act (15
25 U.S.C. 638(m)(2)), as added by section 847(a) of the Na-

1 tional Defense Authorization Act for Fiscal Year 2010
2 (Public Law 111–84; 123 Stat. 2420), is amended by
3 striking “is authorized” and inserting “are authorized”.

4 (g) TECHNICAL CORRECTION REGARDING PERFORM-
5 ANCE MANAGEMENT AND WORKFORCE INCENTIVES.—
6 Section 9902(a)(2) of title 5, United States Code, as
7 added by section 1113(d) of the National Defense Author-
8 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
9 Stat. 2499), is amended by striking “chapters” both
10 places it appears and inserting “chapter”.

11 (h) TECHNICAL CORRECTION REGARDING SMALL
12 SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE
13 PROGRAM.—Section 3506 of the National Defense Au-
14 thorization Act for Fiscal Year 2006, as reinstated by the
15 amendment made by section 1073(c)(14) of the National
16 Defense Authorization Act for Fiscal Year 2010 (Public
17 Law 111–84; 123 Stat. 2475), is repealed.

18 (i) TECHNICAL CORRECTION REGARDING DOT MAR-
19 ITIME HERITAGE PROPERTY.—Section 6(a)(1)(C) of the
20 National Maritime Heritage Act of 1994 (16 U.S.C.
21 5405(a)(1)(C)), as amended by section 3509 of the Na-
22 tional Defense Authorization Act for Fiscal Year 2010
23 (Public Law 111–84; 123 Stat. 2721), is amended by
24 striking “the date of enactment of the Maritime Adminis-

1 tration Authorization Act of 2010” and inserting “October
2 28, 2009”.

3 (j) TECHNICAL CORRECTION REGARDING DOE NA-
4 TIONAL SECURITY PROGRAMS.—The table of contents at
5 the beginning of the National Nuclear Security Adminis-
6 tration Act (title XXXII of Public Law 106–65; 50 U.S.C.
7 2401 et seq.) is amended by striking the item relating to
8 section 3255 and inserting the following new item:

“Sec. 3255. Biennial plan and budget assessment on the modernization and re-
furbishment of the nuclear security complex.”.

9 **SEC. 1056. BUDGETING FOR THE SUSTAINMENT AND MOD-**
10 **ERNIZATION OF NUCLEAR DELIVERY SYS-**
11 **TEMS.**

12 Consistent with the plan contained in the report sub-
13 mitted to Congress under section 1251 of the National De-
14 fense Authorization Act for Fiscal Year 2010 (Public Law
15 111–84; 123 Stat. 2549), in the budget materials sub-
16 mitted to the President by the Secretary of Defense in
17 connection with the submission to Congress, pursuant to
18 section 1105 of title 31, United States Code, of the budget
19 for fiscal year 2012, and each subsequent fiscal year, the
20 Secretary shall ensure that a separate budget (including
21 separate, dedicated line items and program elements) is
22 included with respect to programs and platforms regard-
23 ing the sustainment and modernization of nuclear delivery
24 systems.

1 **SEC. 1057. LIMITATION ON NUCLEAR FORCE REDUCTIONS.**

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

3 (1) As of September 30, 2009, the stockpile of
4 nuclear weapons of the United States has been re-
5 duced by 84 percent from its maximum level in 1967
6 and by more than 75 percent from its level when the
7 Berlin Wall fell in November, 1989.

8 (2) The number of non-strategic nuclear weap-
9 ons of the United States has declined by approxi-
10 mately 90 percent from September 30, 1991, to Sep-
11 tember 30, 2009.

12 (3) In 2002, the United States announced plans
13 to reduce its number of operationally deployed stra-
14 tegic nuclear warheads to between 1,700 and 2,200
15 by December 31, 2012.

16 (4) The United States plans to further reduce
17 its stockpile of deployed strategic nuclear warheads
18 to 1,550 during the next seven years.

19 (5) The United States plans to further reduce
20 its deployed ballistic missiles and heavy bombers to
21 700 and its deployed and non-deployed launchers
22 and heavy bombers to 800 during the next seven
23 years.

24 (6) Beyond these plans for reductions, the Nu-
25 clear Posture Review of April 2010 stated that, “the
26 President has directed a review of potential future

1 reductions in U.S. nuclear weapons below New
2 START levels. Several factors will influence the
3 magnitude and pace of such reductions.”.

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

6 (1) any reductions in the nuclear forces of the
7 United States should be supported by a thorough as-
8 sessment of the strategic environment, threat, and
9 policy and the technical and operational implications
10 of such reductions; and

11 (2) specific criteria are necessary to guide fu-
12 ture decisions regarding further reductions in the
13 nuclear forces of the United States.

14 (c) LIMITATION.—No action may be taken to imple-
15 ment the reduction of nuclear forces of the United States
16 below the levels described in paragraphs (4) and (5) of
17 subsection (a), unless—

18 (1) the Secretary of Defense and the Adminis-
19 trator for Nuclear Security jointly submit to the con-
20 gressional defense committees a report on such re-
21 duction, including—

22 (A) the justification for such reduction;

23 (B) an assessment of the strategic environ-
24 ment, threat, and policy and the technical and
25 operational implications of such reduction;

1 (C) written certification by the Secretary
2 of Defense that—

3 (i) either—

4 (I) the strategic environment or
5 the assessment of the threat has
6 changed to allow for such reduction;
7 or

8 (II) technical measures to pro-
9 vide a commensurate or better level of
10 safety, security, and reliability as be-
11 fore such reduction have been imple-
12 mented for the remaining nuclear
13 forces of the United States;

14 (ii) such reduction preserves the nu-
15 clear deterrent capabilities of the “nuclear
16 triad” (intercontinental ballistic missiles,
17 ballistic missile submarines, and heavy
18 bombers and dual-capable aircraft);

19 (iii) such reduction does not require a
20 change in targeting strategy from
21 counterforce targeting to countervalue tar-
22 geting;

23 (iv) the remaining nuclear forces of
24 the United States provide a sufficient
25 means of protection against unforeseen

1 technical challenges and geopolitical
2 events; and

3 (v) such reduction is compensated by
4 other measures (such as nuclear mod-
5 ernization, conventional forces, and missile
6 defense) that together provide a commen-
7 surate or better deterrence capability and
8 level of credibility as before such reduction;
9 and

10 (D) written certification by the Adminis-
11 trator for Nuclear Security that—

12 (i) technical measures to provide a
13 commensurate or better level of safety, se-
14 curity, and reliability as before such reduc-
15 tion have been implemented for the re-
16 maining nuclear forces of the United
17 States;

18 (ii) the remaining nuclear forces of
19 the United States provide a sufficient
20 means of protection against unforeseen
21 technical challenges and geopolitical
22 events; and

23 (iii) measures to modernize the nu-
24 clear weapons complex have been imple-
25 mented to provide a sufficiently responsive

1 infrastructure to support the remaining
2 nuclear forces of the United States; and

3 (2) a period of 180 days has elapsed after the
4 date on which the report under paragraph (1) is
5 submitted.

6 (d) DEFINITION.—In this section, the term “nuclear
7 forces of the United States” includes—

8 (1) both active and inactive nuclear warheads in
9 the nuclear weapons stockpile; and

10 (2) deployed and non-deployed delivery vehicles.

11 **SEC. 1058. SENSE OF CONGRESS ON THE NUCLEAR POS-**
12 **TURE REVIEW.**

13 It is the sense of Congress that the Nuclear Posture
14 Review, released in April 2010 by the Secretary of De-
15 fense, weakens the national security of the United States
16 by eliminating options to defend against a catastrophic nu-
17 clear, biological, chemical, or conventional attack against
18 the United States.

19 **SEC. 1059. STRATEGIC ASSESSMENT OF STRATEGIC CHAL-**
20 **LENGES POSED BY POTENTIAL COMPETI-**
21 **TORS.**

22 The Secretary of Defense shall, in consultation with
23 the Joint Chiefs of Staff and the commanders of the re-
24 gional combatant commands, submit to the congressional
25 defense committees, not later than March 15, 2011, a

1 comprehensive strategic assessment of the current and fu-
2 ture strategic challenges posed to the United States by
3 potential competitors out through 2021, with particular
4 attention paid to those challenges posed by the military
5 modernization of the People's Republic of China, Iran,
6 North Korea, and Russia.

7 **SEC. 1060. ELECTRONIC ACCESS TO CERTAIN CLASSIFIED**
8 **INFORMATION.**

9 The Secretary of Defense shall provide to each com-
10 mittee of Congress an electronic communications link to
11 classified information in the possession of the Department
12 of Defense pertaining to a subject matter that is in the
13 jurisdiction of such committee under the Rules of the
14 House of Representatives or the Standing Rules of the
15 Senate. Such electronic communications link shall be ca-
16 pable of supporting appropriate classified communications
17 between the Department of Defense and each committee
18 of Congress authorized to carry out such communications.

19 **SEC. 1061. JUSTICE FOR VICTIMS OF TORTURE AND TER-**
20 **RORISM.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) The National Defense Authorization Act for
24 Fiscal Year 2008 (Public Law 110–181) expressed
25 the sense of Congress (in section 1083(d)(4)) that

1 the Secretary of State “should work with the Gov-
2 ernment of Iraq on a state-to-state basis to ensure
3 compensation for any meritorious claims based on
4 terrorist acts committed by the Saddam Hussein re-
5 gime against individuals who were United States na-
6 tionals or members of the United States Armed
7 Forces at the time of those terrorist acts and whose
8 claims cannot be addressed in courts in the United
9 States due to the exercise of the waiver authority”
10 provided to the President under section 1083(d) of
11 that Act.

12 (2) The House of Representatives in the 110th
13 Congress unanimously adopted H.R. 5167, the Jus-
14 tice for Victims of Torture and Terrorism Act, which
15 set forth an appropriate compromise of the claims
16 described in paragraph (1).

17 (3) The National Defense Authorization Act for
18 Fiscal Year 2010 (in section 1079) further ex-
19 pressed the sense of Congress that these claims of
20 American victims of torture and hostage taking by
21 Iraq “should be resolved by a prompt and fair settle-
22 ment negotiated between the Government of Iraq
23 and the Government of the United States, taking
24 note of the provisions of H.R. 5167 of the 110th

1 Congress, which was adopted by the United States
2 House of Representatives”.

3 (4) Pursuant to these congressional actions, the
4 Secretary of State has diligently pursued these nego-
5 tiations with the Government of Iraq. To date, how-
6 ever, more than three years after the enactment of
7 the National Defense Authorization Act for Fiscal
8 Year 2008, and nearly a year after the enactment of
9 the National Defense Authorization Act for Fiscal
10 Year 2010, there has been no resolution of these
11 claims of injured Americans, despite the resolution
12 by Iraq of claims of foreign corporations against the
13 Saddam Hussein regime.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the claims of American victims of torture and
16 hostage taking by the Government of Iraq during the re-
17 gime of Saddam Hussein that are subject to Presidential
18 Determination Number 2008–9 of January 28, 2008,
19 which waived application of section 1083 of the National
20 Defense Authorization Act for Fiscal Year 2008, should
21 be resolved by a prompt and fair settlement negotiated be-
22 tween the Government of Iraq and the Government of the
23 United States.

1 **SEC. 1062. POLICY REGARDING APPROPRIATE USE OF DE-**
2 **PARTMENT OF DEFENSE RESOURCES.**

3 (a) POLICY.—

4 (1) IN GENERAL.—Chapter 2 of Title 10,
5 United States Code, is amended by inserting after
6 section 113a the following new section:

7 **“§ 113b. Use of Department of Defense resources**

8 “(a) POLICY.—The Secretary of Defense shall ensure
9 that all resources of the Department of Defense are used
10 only for activities that—

11 “(1) fulfill a legitimate Government purpose;

12 “(2) comply with all applicable laws, regula-
13 tions, and policies of the Department of Defense;
14 and

15 “(3) contribute to the mission of the Depart-
16 ment of Defense.

17 “(b) GUIDANCE.—The Secretary shall prescribe such
18 guidance as is necessary to ensure compliance with the
19 policy required under subsection (a) and to address any
20 violations of the policy, including, as appropriate, any ap-
21 plicable legal remedies.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by inserting after the item relating to section 113a
25 the following new item:

“113b. Use of Department of Defense resources.”.

1 (b) PROHIBITION ON USE OF FUNDS.—None of the
2 funds authorized to be appropriated in this Act or other-
3 wise available to the Department of Defense may be
4 used—

5 (1) for any activity that does not comply with
6 the policy established under section 113b of title 10,
7 United States Code, as added by subsection (a), in-
8 cluding any improper activity involving—

9 (A) transportation or travel (including use
10 of Government vehicles); or

11 (B) Department of Defense information
12 technology resources; or

13 (2) to pay the salary of any employee who en-
14 gages in an intentional violation of the policy estab-
15 lished under such section.

16 **SEC. 1063. EXECUTIVE AGENT FOR PREVENTING THE IN-**
17 **TRODUCTION OF COUNTERFEIT MICROELEC-**
18 **TRONICS INTO THE DEFENSE SUPPLY CHAIN.**

19 (a) EXECUTIVE AGENT.—Not later than 90 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall designate a senior official of the Depart-
22 ment of Defense to serve as the executive agent for pre-
23 venting the introduction of counterfeit microelectronics
24 into the defense supply chain.

1 (b) ROLES, RESPONSIBILITIES, AND AUTHORI-
2 TIES.—

3 (1) ESTABLISHMENT.—Not later than 180 days
4 after the date of the enactment of this Act, the Sec-
5 retary of Defense shall prescribe the roles, respon-
6 sibilities, and authorities of the executive agent des-
7 ignated under subsection (a).

8 (2) SPECIFICATION.—The roles and responsibil-
9 ities of the executive agent designated under sub-
10 section (a) shall include the following:

11 (A) Development and maintenance of a
12 strategy and implementation plan that ensures
13 that the Department of Defense has the ability
14 to identify, mitigate, prevent, and eliminate
15 counterfeit microelectronics from the defense
16 supply chain.

17 (B) Development of recommendations for
18 funding strategies necessary to meet the re-
19 quirements of the strategy and implementation
20 plan developed under subparagraph (A).

21 (C) Assessments of trends in counterfeit
22 microelectronics, including—

23 (i) an analysis of recent incidents of
24 discovery of counterfeit microelectronics in
25 the defense supply chain, including inci-

1 dents involving material and service pro-
2 viders;

3 (ii) a projection of future trends in
4 counterfeit microelectronics;

5 (iii) the sufficiency of reporting mech-
6 anisms and metrics within the Department
7 of Defense and each component of the De-
8 partment of Defense;

9 (iv) the economic impact of identifying
10 and remediating counterfeit microelec-
11 tronics in the defense supply chain; and

12 (v) the impact of counterfeit micro-
13 electronics in the defense supply chain on
14 defense readiness.

15 (D) Coordination of planning and activities
16 with interagency and international partners.

17 (E) Development and participation in pub-
18 lic-private partnerships to prevent the introduc-
19 tion of counterfeit microelectronics into the sup-
20 ply chain.

21 (F) Such other roles and responsibilities as
22 the Secretary of Defense considers appropriate.

23 (c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—

24 The Secretary of Defense shall ensure that each compo-
25 nent of the Department of Defense provides the executive

1 agent designated under subsection (a) with the appro-
2 priate support and resources needed to perform the roles,
3 responsibilities, and authorities of the executive agent.

4 (d) REQUIRED ACTIONS.—The Secretary of Defense
5 shall submit to the congressional defense committees—

6 (1) not later than 180 days after the date of
7 the enactment of this Act, a description of the roles,
8 responsibilities, and authorities of the executive
9 agent prescribed in accordance with subsection
10 (b)(1);

11 (2) not later than one year after the date of the
12 enactment of this Act, a strategy for how the De-
13 partment of Defense will identify, mitigate, prevent,
14 and eliminate counterfeit microelectronics within the
15 defense supply chain; and

16 (3) not later than 18 months after the date of
17 the enactment of this Act, an implementation plan
18 for how the Department of Defense will execute the
19 strategy submitted in accordance with paragraph
20 (2).

21 (e) DEFINITIONS.—In this section:

22 (1) COUNTERFEIT MICROELECTRONIC.—The
23 term “counterfeit microelectronic” means any type
24 of integrated circuit or other microelectronic compo-
25 nent that consists of—

1 (A) a substitute or unauthorized copy of a
2 valid product from an original manufacturer;

3 (B) a product in which the materials used
4 or the performance of the product has been
5 changed without notice by a person other than
6 the original manufacturer of the product; or

7 (C) a substandard component misrepre-
8 sented by the supplier of such component.

9 (2) EXECUTIVE AGENT.—The term “executive
10 agent” has the meaning given the term “DoD Exec-
11 utive Agent” in Department of Defense Directive
12 5101.1, or any successor directive relating to the re-
13 sponsibilities of an executive agent of the Depart-
14 ment of Defense.

15 **SEC. 1064. SHARED INFORMATION REGARDING TRAINING**
16 **EXERCISES.**

17 The Secretary of Defense, acting through Joint Task
18 Force North, may share with the Department of Home-
19 land Security and the Department of Justice any data
20 gathered during training exercises.

21 **SEC. 1065. SENSE OF CONGRESS REGARDING PRESI-**
22 **DENTIAL LETTERS OF CONDOLENCE TO THE**
23 **FAMILIES OF MEMBERS OF THE ARMED**
24 **FORCES WHO HAVE DIED BY SUICIDE.**

25 (a) FINDINGS.—Congress finds that—

1 (1) suicide is a growing problem in the Armed
2 Forces that cannot be ignored;

3 (2) a record number of military suicides was re-
4 ported in 2008, with 128 active-duty Army and 48
5 Marine deaths reported;

6 (3) the number of military suicides during 2009
7 is expected to equal or exceed the 2008 total;

8 (4) long-standing policy prevents President
9 Obama from sending a condolence letter to the fam-
10 ily of a member of the Armed Forces who has died
11 by suicide;

12 (5) members of the Armed Forces sacrifice
13 their physical, mental, and emotional well-being for
14 the freedoms Americans hold dear;

15 (6) the military family also bears the cost of de-
16 fending the United States, with military spouses and
17 children sacrificing much and standing ready to pro-
18 vide unending support to their spouse or parent who
19 is a member of the Armed Forces;

20 (7) the loss of a member of the Armed Forces
21 to suicide directly and tragically affects military
22 spouses and children, as well as the United States;

23 (8) much more needs to be done to protect and
24 address the mental health needs of members of the

1 Armed Forces, just as they serve to protect and de-
2 fend the freedoms of the United States;

3 (9) a presidential letter of condolence is not
4 only about the deceased because it also serves as a
5 sign of respect for the grieving family and an ac-
6 knowledgment of the family for their personal loss;
7 and

8 (10) a lack of acknowledgment and condolence
9 from the President only leaves these families with an
10 emotional vacuum and a feeling that somehow their
11 sacrifices have been less than the sacrifices of oth-
12 ers.

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

15 (1) the current policy that prohibits sending a
16 presidential letter of condolence to the family of a
17 member of the Armed Forces who has died by sui-
18 cide only serves to perpetuate the stigma of mental
19 illness that pervades the Armed Forces; and

20 (2) the President, as Commander-in-Chief,
21 should overturn the policy and treat all military fam-
22 ilies equally.

1 **SEC. 1066. FINDINGS AND SENSE OF CONGRESS ON OBE-**
2 **SITY AND FEDERAL CHILD NUTRITION PRO-**
3 **GRAMS.**

4 (a) FINDINGS.—Congress find the following:

5 (1) According to the April 2010 report, “Too
6 Fat to Fight”, more than 100 retired generals and
7 admirals wrote that, “[o]besity among children and
8 young adults have increased so dramatically that
9 they threaten not only the overall health of America
10 but the future strength of our military.”.

11 (2) Twenty-seven percent, over 9,000,000, 17–
12 24-year-olds in the United States are too fat to serve
13 in the military.

14 (3) Between 1995 and 2008, the military had
15 140,000 individuals who showed up at the centers
16 for processing but failed their entrance physicals be-
17 cause they were too heavy.

18 (4) Being overweight is now the leading medical
19 reason for rejection from military service.

20 (5) Between 1995 and 2008, the proportion of
21 potential recruits who failed their physicals each
22 year because they were overweight rose nearly 70
23 percent.

24 (6) The military annually discharges over 1,200
25 first-term enlistees before their contracts are up be-
26 cause of weight problems.

1 (7) The military must then recruit and train
2 their replacements at a cost of \$50,000 for each
3 man or woman.

4 (8) Training replacements for those discharged
5 because of weight problems adds up to more than
6 \$60,000,000 annually.

7 (9) Overweight adolescents are more likely to
8 become overweight adults.

9 (10) Overweight adolescents and overweight
10 adults are at risk of developing obesity-related, life-
11 threatening diseases including cancer, type 2 diabe-
12 tes, stroke, heart disease, arthritis, and breathing
13 problems.

14 (11) According to the American Public Health
15 Association, “left unchecked, obesity will add nearly
16 \$344 billion to the nations annual health care costs
17 by 2018 and account for more than 21 percent of
18 health care spending”.

19 (12) Overweight and undernourished adoles-
20 cents face academic challenges due to poor health
21 behaviors, resulting in even greater risk to their fu-
22 ture health and earning and the Nation’s economic
23 growth and worldwide competition.

1 (13) For decades military leaders have cham-
2 pioned efforts to improve the nutrition of young peo-
3 ple in America.

4 (14) During World War II, 40 percent of re-
5 jected recruits were turned away because of poor or
6 under nutrition.

7 (15) The preamble to the Richard B. Russell
8 National School Lunch Act (42 U.S.C. 1751) states
9 “It is hereby declared to be the policy of Congress,
10 as a measure of national security, to safeguard the
11 health and well-being of the Nation’s children and to
12 encourage the domestic consumption of nutritious
13 agricultural commodities and other food, by assisting
14 the States, through grants in aid and other means,
15 in providing an adequate supply of food and other
16 facilities for the establishment, maintenance, oper-
17 ation and expansion of nonprofit school lunch pro-
18 grams”.

19 (16) Over 17 million children were food inse-
20 cure, or hungry, in 2008, according to data collected
21 by the Department of Agriculture.

22 (17) The Federal Child Nutrition Programs
23 under the Richard B. Russell National School Lunch
24 Act (42 U.S.C. 1751 et seq.) and the Child Nutri-
25 tion Act of 1966 (42 U.S.C. 1771 et seq.) are prov-

1 en to be effective in combating both hunger and obe-
2 sity.

3 (18) President Obama has called for a historic
4 investment in the Federal Child Nutrition Programs
5 in order to respond to 2 of the greatest child health
6 challenges of our time, hunger and poor nutrition.

7 (19) Two hundred twenty-one Members of Con-
8 gress signed a letter to Speaker Pelosi in support of
9 President Obama's budget request for the Federal
10 Child Nutrition Programs.

11 (20) This same letter requested identification of
12 possible offsets for the new investments in these im-
13 portant anti-hunger and nutrition programs.

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

16 (1) reducing domestic childhood obesity and
17 hunger is a matter of national security;

18 (2) obesity and hunger will continue to nega-
19 tively impact recruitment for Armed Forces without
20 access to physical activity, healthy food, and proper
21 nutrition;

22 (3) Congress should act to reduce childhood
23 obesity and hunger;

24 (4) the Federal Child Nutrition Programs
25 under the Richard B. Russell National School Lunch

1 Act (42 U.S.C. 1751 et seq.) and the Child Nutri-
2 tion Act of 1966 (42 U.S.C. 1771 et seq.) should be
3 funded at the President's request; and

4 (5) the increases in funding for such programs
5 should be properly offset.

6 **SEC. 1067. SENSE OF CONGRESS REGARDING REC-**
7 **REATIONAL HUNTING AND FISHING ON MILI-**
8 **TARY INSTALLATIONS.**

9 It is the sense of the Congress that—

10 (1) military installations that permit public ac-
11 cess for recreational hunting and fishing should con-
12 tinue to permit such hunting and fishing where ap-
13 propriate;

14 (2) permitting the public to access military in-
15 stallations for recreational hunting and fishing bene-
16 fits local communities by conserving and promoting
17 the outdoors and establishing positive relations be-
18 tween the civilian and defense sectors;

19 (3) any military installations that make rec-
20 reational hunting and fishing permits available for
21 purchase should provide a discounted rate for active
22 and retired members of the Armed Forces and vet-
23 erans with disabilities; and

24 (4) the Department of Defense, all of the serv-
25 ice branches, and military installations that permit

1 public access for recreational hunting and fishing
2 should promote access to such installations by mak-
3 ing the appropriate accommodations for members of
4 the Armed Forces and veterans with disabilities.

5 **SEC. 1068. SENSE OF CONGRESS ENCOURAGING THE PRESI-**
6 **DENT TO ORDER THE UNITED STATES FLAG**
7 **TO BE FLOWN OVER UNITED STATES MILI-**
8 **TARY AND CIVILIAN OUTPOSTS IN HAITI DUR-**
9 **ING EARTHQUAKE RELIEF EFFORTS.**

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

11 (1) On January 12, 2010, the nation of Haiti
12 was hit by a magnitude 7.0 earthquake, adversely
13 affecting nearly 3,000,000 people.

14 (2) The United States has provided millions of
15 dollars in humanitarian assistance to meet imme-
16 diate needs on the ground and plans to give more
17 over the next year.

18 (3) The Armed Forces have diligently worked to
19 aid the people of Haiti during their time of need,
20 providing humanitarian aid and logistical support.

21 (4) The Armed Forces, civilians, and charitable
22 groups have led the charge in an effort to maintain
23 civility and bring some small semblance of hope to
24 the devastated nation.

1 (5) Members of the Armed Forces serve as the
2 premier ambassadors of liberty, freedom, and good-
3 will when tasked with a humanitarian mission.

4 (6) The generosity of the people of the United
5 States is known the world over and the United
6 States flag is universally recognized as a symbol of
7 that generosity.

8 (7) The United States has provided more aid to
9 the nation of Haiti than all other nations combined.

10 (b) SENSE OF CONGRESS.—The Congress—

11 (1) commends the Armed Forces for their com-
12 mitment to completing their humanitarian mission
13 in Haiti; and

14 (2) encourages the President to order the
15 United States flag to be flown over all military and
16 civilian outposts in Haiti under United States juris-
17 diction.

18 **SEC. 1069. STUDY ON OPTIMAL BALANCE OF MANNED AND**

19 **UNMANNED AERIAL VEHICLE CAPABILITY.**

20 (a) STUDY.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date of the enactment of this Act, the Secretary
23 of Defense shall commission a study by an inde-
24 pendent, non-profit organization on the optimal bal-

1 ance between manned and unmanned aerial vehicle
2 forces of the Armed Forces.

3 (2) SELECTION.—The independent, non-profit
4 organization selected for the study under paragraph
5 (1) shall be qualified on the basis of having per-
6 formed work in the fields of national security and
7 combat systems.

8 (b) MATTERS INCLUDED.—The study under sub-
9 section (a) shall include the following:

10 (1) With respect to each military department
11 (but in particular the Air Force), an assessment of
12 the feasibility and desirability of a more rapid tran-
13 sition from manned to unmanned vehicles for a
14 range of operations, including combat operations.

15 (2) An evaluation of the current ability of each
16 military department to resist attacks mounted by
17 foreign militaries with significant investments in re-
18 search and development and deployment of un-
19 manned combat drones, including an assessment of
20 each military department's ability to defend
21 against—

22 (A) a large enemy force of unmanned aer-
23 ial vehicles; and

24 (B) any other relevant unmanned scenario
25 the Secretary determines appropriate.

1 (3) An analysis of—

2 (A) current and future capabilities of for-
3 eign militaries in developing and deploying un-
4 manned systems; and

5 (B) vulnerabilities to drone systems re-
6 vealed in past war games and other strategy
7 materials.

8 (4) Conclusions on the matters described in
9 paragraphs (1) through (3) and what the inde-
10 pendent, non-profit organization conducting the
11 study determines is the optimal balance of invest-
12 ment in development and deployment of manned
13 versus unmanned platforms.

14 (c) REPORT.—Not later than December 1, 2011, the
15 Secretary of Defense shall submit to the congressional de-
16 fense committees, the Committee on Oversight and Gov-
17 ernment Reform of the House of Representatives, and the
18 Committee on Homeland Security and Governmental Af-
19 fairs of the Senate a report that includes the study under
20 subsection (a).

21 (d) FORM.—

22 (1) STUDY.—The study under subsection (a)
23 shall include a classified annex with respect to the
24 matters described in subsection (b)(3).

1 (2) REPORT.—The report under subsection (c)
2 may include a classified annex.

3 **TITLE XI—CIVILIAN PERSONNEL**
4 **MATTERS**

5 **SEC. 1101. AUTHORITY FOR THE DEPARTMENT OF DE-**
6 **FENSE TO APPROVE AN ALTERNATE METHOD**
7 **OF PROCESSING EQUAL EMPLOYMENT OP-**
8 **PORTUNITY COMPLAINTS WITHIN ONE OR**
9 **MORE COMPONENT ORGANIZATIONS UNDER**
10 **SPECIFIED CIRCUMSTANCES.**

11 (a) AUTHORITY.—The Secretary of Defense may im-
12 plement within one or more of the component organiza-
13 tions of the Department of Defense an alternate program
14 for processing equal employment opportunity complaints.

15 (1) Complaints processed under the alternate
16 program shall be subject to the procedural require-
17 ments established for the alternate program and
18 shall not be subject to the procedural requirements
19 of part 1614 of title 29 of the Code of Federal Reg-
20 ulations or other regulations, directives, or regu-
21 latory restrictions prescribed by the Equal Employ-
22 ment Opportunity Commission.

23 (2) The alternate program shall include proce-
24 dures to reduce processing time and eliminate re-
25 dundancy with respect to processes for the resolution

1 of equal employment opportunity complaints, rein-
2 force local management and chain-of-command ac-
3 countability, and provide the parties involved with
4 early opportunity for resolution.

5 (3) The Secretary may carry out the alternate
6 program during a 5-year period beginning on the
7 date of the enactment of this Act. Not later than
8 180 days before the expiration of such period, the
9 Secretary shall submit to the Committees on Armed
10 Services of the House of Representatives and the
11 Senate, a recommendation regarding whether the
12 program should be extended for an additional pe-
13 riod.

14 (4)(A) Participation in the alternate program
15 shall be voluntary on the part of the complainant.
16 Complainants who participate in the alternate pro-
17 gram shall retain the right to appeal a final agency
18 decision to the Equal Employment Opportunity
19 Commission and to file suit in district court. The
20 Equal Employment Opportunity Commission shall
21 not reverse a final agency decision on the grounds
22 that the agency did not comply with the regulatory
23 requirements promulgated by the Commission.

24 (B) Subparagraph (A) shall apply to all cases
25 filed with the Commission after the date of the en-

1 actment of this Act and under the alternate program
2 established under this subsection.

3 (C) The Secretary shall consult with the Equal
4 Employment Commission in the development of the
5 alternate program.

6 (b) EVALUATION PLAN.—The Secretary of Defense
7 shall develop an evaluation plan to accurately and reliably
8 assess the results of each alternate program implemented
9 under subsection (a), identifying the key features of the
10 program, including—

11 (1) well-defined, clear, and measurable objec-
12 tives;

13 (2) measures that are directly linked to the pro-
14 gram objectives;

15 (3) criteria for determining the program per-
16 formance;

17 (4) a way to isolate the effects of the alternate
18 program;

19 (5) a data analysis plan for the evaluation de-
20 sign; and

21 (6) a detailed plan to ensure that data collec-
22 tion, entry, and storage are reliable and error-free.

23 (c) REPORTS.—The Comptroller General shall submit
24 to the Speaker of the House of Representatives and the

1 President pro tempore of the Senate, two reports on the
2 alternate program.

3 (1) CONTENTS OF REPORTS.—Each report shall
4 contain the following:

5 (A) A description of the processes tested
6 by the alternate program.

7 (B) The results of the testing of such pro-
8 cesses.

9 (C) Recommendations for changes to the
10 processes for the resolution of equal employ-
11 ment opportunity complaints as a result of the
12 alternate program.

13 (D) A comparison of the processes used,
14 and results obtained, under the alternate pro-
15 gram to traditional and alternative dispute res-
16 olution processes used in the Government or
17 private industry.

18 (2) DATES OF SUBMISSION.—The first of such
19 reports shall be submitted at the end of the 2-year
20 period beginning on the date of the enactment of
21 this Act. The second of such reports shall be sub-
22 mitted at the end of the 4-year period beginning on
23 the date of the enactment of this Act.

1 **SEC. 1102. CLARIFICATION OF AUTHORITIES AT PER-**
2 **SONNEL DEMONSTRATION LABORATORIES.**

3 (a) CLARIFICATION OF APPLICABILITY OF DIRECT
4 HIRE AUTHORITY.—Section 1108 of the Duncan Hunter
5 National Defense Authorization Act for Fiscal Year 2009
6 (Public Law 110–417; 122 Stat. 4618; 10 U.S.C. 1580
7 note) is amended—

8 (1) in subsection (b), by striking “identified”
9 and all that follows and inserting “designated by
10 section 1105(a) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2010 (Public Law 111–84;
12 123 Stat. 2486) as a Department of Defense science
13 and technology reinvention laboratory.”; and

14 (2) in subsection (c), by striking “2 percent”
15 and inserting “4 percent”.

16 (b) CLARIFICATION OF APPLICABILITY OF FULL IM-
17 PLEMENTATION REQUIREMENT.—Section 1107 of the Na-
18 tional Defense Authorization Act for Fiscal Year 2008
19 (Public Law 110–181; 122 Stat 357; 10 U.S.C. 2358
20 note) is amended—

21 (1) in subsection (a), by striking “that are ex-
22 empted by” and all that follows and inserting “des-
23 ignated by section 1105(a) of the National Defense
24 Authorization Act for Fiscal Year 2010 (Public Law
25 111–84; 123 Stat. 2486) as Department of Defense

1 science and technology reinvention laboratories.”;
2 and

3 (2) in subsection (c), by striking “as enumer-
4 ated in” and all that follows and inserting “des-
5 ignated by section 1105(a) of the National Defense
6 Authorization Act for Fiscal Year 2010 (Public Law
7 111–84; 123 Stat 2486) as a Department of De-
8 fense science and technology reinvention labora-
9 tory.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 subsections (a) and (b) shall take effect as of October 28,
12 2009.

13 **SEC. 1103. SPECIAL RULE RELATING TO CERTAIN OVER-**
14 **TIME PAY.**

15 (a) IN GENERAL.—Section 5542(a) of title 5, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “(6)(A) Notwithstanding paragraphs (1) and (2), for
19 an employee who is described in subparagraph (B), and
20 whose rate of basic pay exceeds the minimum rate for GS–
21 10, the overtime hourly rate of pay is an amount equal
22 to one and one-half times the hourly rate of basic pay
23 of the employee, and all that amount is premium pay.

24 “(B) This paragraph applies in the case of an em-
25 ployee of the Department of the Navy—

1 “(i) who is performing work aboard or in sup-
2 port of the U.S.S. GEORGE WASHINGTON while
3 that vessel is forward deployed in Japan; and

4 “(ii) as to whom the application of this para-
5 graph is necessary (as determined under regulations
6 prescribed by the Secretary of the Navy)—

7 “(I) in order to ensure equal treatment
8 with employees performing similar work in the
9 United States;

10 “(II) in order to secure the services of
11 qualified employees; or

12 “(III) for such other reasons as may be set
13 forth in such regulations.”.

14 (b) REPORTING REQUIREMENT.—Within one year
15 after date of enactment of this Act, the Secretary of the
16 Navy shall submit to the Secretary of Defense and the
17 Director of the Office of Personnel Management a report
18 that addresses the use of paragraph (6) of section 5542(a)
19 of title 5, United States Code, as added by subsection (a),
20 including associated costs.

1 **SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
2 **ANNUAL LIMITATION ON PREMIUM PAY AND**
3 **AGGREGATE LIMITATION ON PAY FOR FED-**
4 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
5 **SEAS.**

6 Effective January 1, 2011, section 1101(a) of the
7 Duncan Hunter National Defense Authorization Act for
8 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),
9 as amended by section 1106(a) of the National Defense
10 Authorization Act for Fiscal Year 2010 (Public Law 111–
11 84; 123 Stat. 2487), is amended by striking “calendar
12 years 2009 and 2010” and inserting “calendar years 2011
13 and 2012”.

14 **SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.**

15 Section 9903(d) of title 5, United States Code, is
16 amended—

17 (1) by amending paragraph (2) to read as fol-
18 lows:

19 “(2) An employee appointed under this section is not
20 eligible for any bonus, monetary award, or other monetary
21 incentive for service, except for—

22 “(A) payments authorized under this section;
23 and

24 “(B) in the case of an employee who is assigned
25 in support of a contingency operation (as defined in

1 section 101(a)(13) of title 10), allowances and any
2 other payments authorized under chapter 59.”; and

3 (2) in paragraph (3), by adding at the end the
4 following: “In computing an employee’s total annual
5 compensation for purposes of the preceding sen-
6 tence, any payment referred to in paragraph (2)(B)
7 shall be excluded.”.

8 **SEC. 1106. SERVICES OF POST-COMBAT CASE COORDINA-**
9 **TORS.**

10 (a) IN GENERAL.—Chapter 79 of title 5, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 7906. Services of post-combat case coordinators**

14 “(a) DEFINITIONS.—For purposes of this section—

15 “(1) the terms ‘employee’, ‘agency’, ‘injury’,
16 ‘war-risk hazard’, and ‘hostile force or individual’
17 have the meanings given those terms in section
18 8101; and

19 “(2) the term ‘qualified employee’ means an
20 employee as described in subsection (b).

21 “(b) REQUIREMENT.—The head of each agency shall,
22 in a manner consistent with the guidelines prescribed
23 under subsection (c), provide for the assignment of a post-
24 combat case coordinator in the case of any employee of
25 such agency who suffers an injury or disability incurred,

1 or an illness contracted, while in the performance of such
2 employee's duties, as a result of a war-risk hazard or dur-
3 ing or as a result of capture, detention, or other restraint
4 by a hostile force or individual.

5 “(c) GUIDELINES.—The Office of Personnel Manage-
6 ment shall, after such consultation as the Office considers
7 appropriate, prescribe guidelines for the operation of this
8 section. Under the guidelines, the responsibilities of a
9 post-combat case coordinator shall include—

10 “(1) acting as the main point of contact for
11 qualified employees seeking administrative guidance
12 or assistance relating to benefits under chapter 81
13 or 89;

14 “(2) assisting qualified employees in the collec-
15 tion of documentation or other supporting evidence
16 for the expeditious processing of claims under chap-
17 ter 81 or 89;

18 “(3) assisting qualified employees in connection
19 with the receipt of prescribed medical care and the
20 coordination of benefits under chapter 81 or 89;

21 “(4) resolving problems relating to the receipt
22 of benefits under chapter 81 or 89; and

23 “(5) ensuring that qualified employees are
24 properly screened and receive appropriate treat-
25 ment—

1 “(A) for post-traumatic stress disorder or
2 other similar disorder stemming from combat
3 trauma; or

4 “(B) for suicidal or homicidal thoughts or
5 behaviors.

6 “(d) DURATION.—The services of a post-combat case
7 coordinator shall remain available to a qualified employee
8 until—

9 “(1) such employee accepts or declines a rea-
10 sonable offer of employment in a position in the em-
11 ployee’s agency for which the employee is qualified,
12 which is not lower than 2 grades (or pay levels)
13 below the employee’s grade (or pay level) before the
14 occurrence or onset of the injury, disability, or ill-
15 ness (as referred to in subsection (a)), and which is
16 within the employee’s commuting area; or

17 “(2) such employee gives written notice, in such
18 manner as the employing agency prescribes, that
19 those services are no longer desired or necessary.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 79 of title 5, United States Code, is amended
22 by adding after the item relating to section 7905 the fol-
23 lowing:

“7906. Services of post-combat case coordinators.”.

1 **SEC. 1107. AUTHORITY TO WAIVE MAXIMUM AGE LIMIT FOR**
2 **CERTAIN APPOINTMENTS.**

3 Section 3307(e) of title 5, United States Code, is
4 amended—

5 (1) by striking “(e) The” and inserting “(e)(1)
6 Except as provided in paragraph (2), the”; and

7 (2) by adding at the end the following:

8 “(2)(A) In the case of the conversion of an agency
9 function from performance by a contractor to performance
10 by an employee of the agency, the head of the agency may
11 waive any maximum limit of age, determined or fixed for
12 positions within such agency under paragraph (1), if nec-
13 essary in order to promote the recruitment or appointment
14 of experienced personnel.

15 “(B) For purposes of this paragraph—

16 (i) the term ‘agency’ means the Department of
17 Defense or a military department; and

18 (ii) the term ‘head of the agency’ means the
19 Secretary of Defense or the Secretary of a military
20 department.”.

21 **SEC. 1108. SENSE OF CONGRESS REGARDING WAIVER OF**
22 **RECOVERY OF CERTAIN PAYMENTS MADE**
23 **UNDER CIVILIAN EMPLOYEES VOLUNTARY**
24 **SEPARATION INCENTIVE PROGRAM.**

25 (a) CONGRESSIONAL FINDING.—Congress finds that
26 employees and former employees of the Department of De-

1 fense described in subsection (c) provided a valuable serv-
2 ice to such Department in response to the national emer-
3 gency declared in the aftermath of the attacks of Sep-
4 tember 11, 2001.

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

7 (1) employees and former employees of the De-
8 partment of Defense described in subsection (c) de-
9 serve to retain or to be repaid their voluntary separa-
10 tion incentive payment pursuant to section 9902
11 of title 5, United States Code;

12 (2) recovery of the amount of the payment re-
13 ferred to in section 9902 of title 5, United States
14 Code, would be against equity and good conscience
15 and contrary to the best interests of the United
16 States;

17 (3) the Secretary of Defense should waive the
18 requirement under subsection (f)(6)(B) of section
19 9902 of title 5, United States Code, for repayment
20 to the Department of Defense of a voluntary separa-
21 tion incentive payment made under subsection (f)(1)
22 of such section 9902 in the case of an employee or
23 former employee of the Department of Defense de-
24 scribed in subsection (c); and

1 (4) a person who has repaid to the United
2 States all or part of the voluntary separation incen-
3 tive payment for which repayment is waived under
4 this section may receive a refund of the amount pre-
5 viously repaid to the United States.

6 (c) PERSONS COVERED.—Subsection (a) applies to
7 any employee or former employee of the Department of
8 Defense who—

9 (1) during the period beginning on April 1,
10 2004, and ending on May 1, 2008, received a vol-
11 untary separation incentive payment under section
12 9902(f)(1) of title 5, United States Code;

13 (2) was reappointed to a position in the Depart-
14 ment of Defense during the period beginning on
15 June 1, 2004, and ending on May 1, 2008; and

16 (3) received a written representation from an
17 officer or employee of the Department of Defense,
18 before accepting the reappointment referred to in
19 paragraph (2), that recovery of the amount of the
20 payment referred to in paragraph (1) would not be
21 required or would be waived, and reasonably relied
22 on that representation in accepting reappointment.

1 **SEC. 1109. SUSPENSION OF DCIPS PAY AUTHORITY EX-**
2 **TENDED FOR A YEAR.**

3 Section 1114(a) of the National Defense Authoriza-
4 tion Act for Fiscal Year 2010 (10 U.S.C. 1601 note) is
5 amended by striking “December 31, 2010” and inserting
6 “December 31, 2011”.

7 **SEC. 1110. FEDERAL INTERNSHIP PROGRAMS.**

8 (a) IN GENERAL.—Subchapter I of chapter 31 of title
9 5, United States Code, is amended by inserting after sec-
10 tion 3111 the following:

11 **“§ 3111a. Federal internship programs**

12 “(a) INTERNSHIP COORDINATOR.—The head of each
13 agency operating an internship program shall appoint an
14 individual within such agency to serve as an internship
15 coordinator.

16 “(b) ONLINE INFORMATION.—

17 “(1) AGENCIES.—The head of each agency op-
18 erating an internship program shall make publicly
19 available on the Internet—

20 “(A) the name and contact information of
21 the internship coordinator for such program;
22 and

23 “(B) information regarding application
24 procedures and deadlines for such internship
25 program.

1 “(2) OFFICE OF PERSONNEL MANAGEMENT.—

2 The Office of Personnel Management shall make
3 publicly available on the Internet links to the
4 websites where the information described in para-
5 graph (1) is displayed.

6 “(c) CENTRALIZED DATABASE.—The Office shall es-
7 tablish and maintain a centralized electronic database that
8 contains the names, contact information, and relevant
9 skills of individuals who have completed or are nearing
10 completion of an internship program and are currently
11 seeking full-time Federal employment.

12 “(d) EXIT INTERVIEW REQUIREMENT.—The agency
13 operating an internship program shall conduct an exit
14 interview of each intern that completes such program.

15 “(e) REPORT.—

16 “(1) IN GENERAL.—The head of each agency
17 operating an internship program shall annually sub-
18 mit to the Office a report assessing such internship
19 program.

20 “(2) CONTENTS.—Each report required under
21 paragraph (1) for an agency shall include, for the 1-
22 year period ending on September 1 of the year in
23 which the report is submitted—

24 “(A) the number of interns that partici-
25 pated in an internship program at such agency;

1 “(B) information regarding the demo-
2 graphic characteristics of interns at such agen-
3 cy, including educational background;

4 “(C) a description of the steps taken by
5 such agency to increase the percentage of in-
6 terns who are offered permanent Federal jobs
7 and the percentage of interns who accept the
8 offers of such jobs, and any barriers encoun-
9 tered;

10 “(D) a description of activities engaged in
11 by such agency to recruit new interns, including
12 locations and methods;

13 “(E) a description of the diversity of work
14 roles offered within internship programs at such
15 agency;

16 “(F) a description of the mentorship por-
17 tion of such internship programs; and

18 “(G) a summary of exit interviews con-
19 ducted by such agency upon completion of an
20 internship program by an intern.

21 “(3) SUBMISSION.—Each report required under
22 paragraph (1) shall be submitted to the Office be-
23 tween September 1 and September 30 of each year.
24 Not later than December 30 of each year, the Office
25 shall submit to Congress a report summarizing the

1 information submitted to the Office in accordance
 2 with paragraph (1) for such year.

3 “(f) DEFINITIONS.—For purposes of this section—

4 “(1) the term ‘internship program’ means—

5 “(A) a volunteer service program under
 6 section 3111(b); and

7 “(B) the Student Educational Employment
 8 Program established under section 213.3202 of
 9 title 5, Code of Federal Regulations, as in effect
 10 on January 1, 2009;

11 “(2) the term ‘intern’ means an individual serv-
 12 ing in an internship program.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for chapter 31 of title 5, United States Code, is amended
 15 by inserting after the item relating to section 3111 the
 16 following:

“3111a. Federal internship programs.”.

17 **TITLE XII—MATTERS RELATING**
 18 **TO FOREIGN NATIONS**
 19 **Subtitle A—Assistance and**
 20 **Training**

21 **SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF**
 22 **SPECIAL OPERATIONS TO COMBAT TER-**
 23 **RORISM.**

24 (a) IN GENERAL.—Section 1208(a) of the Ronald W.
 25 Reagan National Defense Authorization Act for Fiscal

1 Year 2005 (Public Law 108–375; 118 Stat. 2086), as
2 most recently amended by section 1202(a) of the National
3 Defense Authorization Act for Fiscal Year 2010 (Public
4 Law 111–84; 123 Stat. 2511), is further amended by
5 striking “\$40,000,000” and inserting “\$50,000,000”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall take effect on October 1, 2010.

8 **SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES**
9 **TO ENHANCED LOGISTICS INTEROPER-**
10 **ABILITY AUTHORITY.**

11 (a) ENHANCED INTEROPERABILITY AUTHORITY.—
12 Subsection (a) of section 127d of title 10, United States
13 Code, is amended—

14 (1) by inserting “(1)” before “Subject to”;

15 (2) by inserting “of the United States” after
16 “armed forces”;

17 (3) by striking the second sentence; and

18 (4) by adding at the end the following new
19 paragraphs:

20 “(2) In addition to any logistic support, supplies, and
21 services provided under paragraph (1), the Secretary may
22 provide logistic support, supplies, and services to allied
23 forces solely for the purpose of enhancing the interoper-
24 ability of the logistical support systems of military forces
25 participating in combined operations with the United

1 States in order to facilitate such operations. Such logistic
2 support, supplies, and services may also be provided under
3 this paragraph to a nonmilitary logistics, security, or simi-
4 lar agency of an allied government if such provision would
5 directly benefit the armed forces of the United States.

6 “(3) Provision of support, supplies, and services pur-
7 suant to paragraph (1) or (2) may be made only with the
8 concurrence of the Secretary of State.”.

9 (b) CONFORMING AMENDMENTS.—Such section is
10 further amended—

11 (1) in subsection (b), by striking “subsection
12 (a)” in paragraphs (1) and (2) and inserting “sub-
13 section (a)(1)”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1)—

16 (i) by striking “Except as provided in
17 paragraph (2), the” and inserting “The”;
18 and

19 (ii) by striking “this section” and in-
20 serting “subsection (a)(1)”; and

21 (B) in paragraph (2), by striking “In addi-
22 tion” and all that follows through “fiscal year,”
23 and inserting “The value of the logistic support,
24 supplies, and services provided under subsection
25 (a)(2) in any fiscal year may not”.

1 **SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORI-**
2 **TIES RELATING TO PROGRAM TO BUILD THE**
3 **CAPACITY OF FOREIGN MILITARY FORCES.**

4 (a) ANNUAL FUNDING LIMITATION.—Subsection
5 (c)(1) of section 1206 of the National Defense Authoriza-
6 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
7 Stat. 3456), as amended by section 1206(b) of the Duncan
8 Hunter National Defense Authorization Act for Fiscal
9 Year 2009 (Public Law 110–417; 122 Stat. 4625), is fur-
10 ther amended by striking “\$350,000,000” and inserting
11 “\$500,000,000”.

12 (b) TEMPORARY LIMITATION ON AMOUNT FOR
13 BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT
14 MILITARY AND STABILITY OPERATIONS.—

15 (1) IN GENERAL.—Subsection (c)(5) of such
16 section is amended—

17 (A) by striking “and not more than” and
18 inserting “not more than”; and

19 (B) by inserting after “fiscal year 2011”
20 the following: “, and not more than
21 \$100,000,000 may be used during fiscal year
22 2012”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall take effect on October 1,
25 2010, and shall apply with respect to programs

1 under subsection (a) of such section that begin on
2 or after that date.

3 (c) TEMPORARY AUTHORITY TO BUILD THE CAPAC-
4 ITY OF YEMEN'S COUNTER-TERRORISM FORCES.—Such
5 section is further amended—

6 (1) by redesignating subsection (g) as sub-
7 section (h); and

8 (2) by inserting after subsection (f) the fol-
9 lowing:

10 “(g) TEMPORARY AUTHORITY TO BUILD THE CAPAC-
11 ITY OF YEMEN'S COUNTER-TERRORISM FORCES.—

12 “(1) AUTHORITY OF SECRETARY OF STATE.—

13 “(A) IN GENERAL.—Of the funds made
14 available under subsection (c) for the authority
15 of subsection (a) for fiscal year 2011, the Sec-
16 retary of Defense shall transfer to the Secretary
17 of State \$75,000,000 of such funds for pur-
18 poses of providing assistance under section 23
19 of the Arms Export Control Act (22 U.S.C.
20 2763) to build the capacity of the counter-ter-
21 rorism forces of the Yemeni Ministry of Inte-
22 rior.

23 “(B) CERTIFICATION.—The Secretary of
24 Defense may transfer funds pursuant to sub-
25 paragraph (A) only if, not later than July 31,

1 2011, the Secretary of State certifies to the
2 Secretary of Defense and the congressional
3 committees specified in subsection (e)(3) that
4 the Secretary of State is able to effectively
5 carry out the purpose of subparagraph (A).

6 “(C) AVAILABILITY OF FUNDS.—Amounts
7 available under this paragraph for the authority
8 of subparagraph (A) for fiscal year 2011 may
9 be used to conduct or support a program or
10 programs under that authority that begin in fis-
11 cal year 2011 but end in fiscal year 2012.

12 “(2) AUTHORITY OF SECRETARY OF DE-
13 FENSE.—If a certification described in paragraph
14 (1)(B) is not made by July 31, 2011, the Secretary
15 of Defense may, with the concurrence of the Sec-
16 retary of State, use up to \$75,000,000 of the funds
17 made available under subsection (e) for the authority
18 of subsection (a) for fiscal year 2011 to conduct or
19 support a program or programs under the authority
20 of subsection (a) to build the capacity of the
21 counter-terrorism forces of the Yemeni Ministry of
22 Interior.

23 “(3) CONGRESSIONAL NOTIFICATION.—

24 “(A) BY SECRETARY OF STATE.—The Sec-
25 retary of State shall notify the congressional

1 committees specified in subsection (e)(3) when-
2 ever the Secretary of State makes a certifi-
3 cation under paragraph (1)(B) for purposes of
4 exercising the authority of paragraph (1).

5 “(B) BY SECRETARY OF DEFENSE.—The
6 Secretary of Defense shall notify the congres-
7 sional committees specified in subsection (e)(3)
8 whenever the Secretary of Defense exercises the
9 authority of paragraph (2) to support or con-
10 duct a program or programs described in para-
11 graph (2).

12 “(C) CONTENTS.—A notification under
13 subparagraph (A) or (B) shall include a de-
14 scription of the program or programs to be con-
15 ducted or supported under the authority of this
16 subsection.”.

17 (d) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
18 section (h) of such section, as most recently amended by
19 section 1206(c) of the Duncan Hunter National Defense
20 Authorization Act for Fiscal Year 2009 (Public Law 110–
21 417; 122 Stat. 4625) and redesignated by subsection (c)
22 of this section, is further amended by—

23 (1) by striking “September 30, 2011” and in-
24 serting “September 30, 2012”; and

1 (2) by striking “fiscal years 2006 through
2 2011” and inserting “fiscal years 2006 through
3 2012”.

4 **SEC. 1204. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP**
5 **FOR PEACE NATIONS TO PARTICIPATE IN**
6 **THE EURO-NATO JOINT JET PILOT TRAINING**
7 **PROGRAM.**

8 (a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—
9 The Secretary of the Air Force shall establish and main-
10 tain a demonstration scholarship program to allow per-
11 sonnel of the air forces of countries that are signatories
12 of the Partnership for Peace Framework Document to re-
13 ceive undergraduate pilot training and necessary related
14 training through the Euro-NATO Joint Jet Pilot Training
15 (ENJJPT) program. The Secretary of the Air Force shall
16 establish the program pursuant to regulations prescribed
17 by the Secretary of Defense in consultation with the Sec-
18 retary of State.

19 (b) TRANSPORTATION, SUPPLIES, AND ALLOW-
20 ANCE.—Under such conditions as the Secretary of the Air
21 Force may prescribe, the Secretary may provide to a per-
22 son receiving a scholarship under the scholarship pro-
23 gram—

24 (1) transportation incident to the training re-
25 ceived under the ENJJPT program;

1 (2) supplies and equipment to be used during
2 the training;

3 (3) flight clothing and other special clothing re-
4 quired for the training;

5 (4) billeting, food, and health services; and

6 (5) a living allowance at a rate to be prescribed
7 by the Secretary, taking into account the amount of
8 living allowances authorized for a member of the
9 armed forces under similar circumstances.

10 (c) RELATION TO EURO-NATO JOINT JET PILOT
11 TRAINING PROGRAM.—

12 (1) ENJJPT STEERING COMMITTEE AUTHOR-
13 ITY.—Nothing in this section shall be construed or
14 interpreted to supersede the authority of the
15 ENJJPT Steering Committee under the ENJJPT
16 Memorandum of Understanding. Pursuant to the
17 ENJJPT Memorandum of Understanding, the
18 ENJJPT Steering Committee may resolve to forbid
19 any airman or airmen from a Partnership for Peace
20 nation to participate in the Euro-NATO Joint Jet
21 Pilot Training program under the authority of a
22 scholarship under this section.

23 (2) NO REPRESENTATION.—Countries whose
24 air force personnel receive scholarships under the

1 scholarship program shall not have privilege of
2 ENJJPT Steering Committee representation.

3 (d) LIMITATION ON ELIGIBLE COUNTRIES.—The
4 Secretary of the Air Force may not use the authority in
5 subsection (a) to provide assistance described in sub-
6 section (b) to any foreign country that is otherwise prohib-
7 ited from receiving such type of assistance under the For-
8 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or
9 any other provision of law.

10 (e) COST-SHARING.—For purposes of ENJJPT cost-
11 sharing, personnel of an air force of a foreign country who
12 receive a scholarship under the scholarship program may
13 be counted as United States pilots.

14 (f) PROGRESS REPORT.—Not later than February 1,
15 2015, the Secretary of the Air Force shall submit to the
16 congressional defense committees, the Committee on For-
17 eign Affairs of the House of Representatives, and the
18 Committee on Foreign Relations of the Senate a report
19 on the status of the demonstration program, including the
20 opinion of the Secretary and NATO allies on the benefits
21 of the program and whether or not to permanently author-
22 ize the program or extend the program beyond fiscal year
23 2015. The report shall specify the following:

24 (1) The countries participating in the scholar-
25 ship program.

1 (2) The total number of foreign pilots who re-
2 ceived scholarships under the scholarship program.

3 (3) The amount expended on scholarships
4 under the scholarship program.

5 (4) The source of funding for scholarships
6 under the scholarship program.

7 (g) DURATION.—No scholarship may be awarded
8 under the scholarship program after September 30, 2015.

9 (h) FUNDING SOURCE.—Amounts to award scholar-
10 ships under the scholarship program shall be derived from
11 amounts authorized to be appropriated for operation and
12 maintenance for the Air Force.

13 **Subtitle B—Matters Relating to**
14 **Iraq, Afghanistan, and Pakistan**

15 **SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR**
16 **CERTAIN PURPOSES RELATING TO IRAQ.**

17 No funds appropriated pursuant to an authorization
18 of appropriations in this Act may be obligated or expended
19 for a purpose as follows:

20 (1) To establish any military installation or
21 base for the purpose of providing for the permanent
22 stationing of United States Armed Forces in Iraq.

23 (2) To exercise United States control of the oil
24 resources of Iraq.

1 **SEC. 1212. COMMANDERS' EMERGENCY RESPONSE PRO-**
2 **GRAM.**

3 (a) **AUTHORITY FOR FISCAL YEAR 2011.**—During
4 fiscal year 2011, from funds made available to the Depart-
5 ment of Defense for operation and maintenance for such
6 fiscal year—

7 (1) not to exceed \$100,000,000 may be used by
8 the Secretary of Defense in such fiscal year to pro-
9 vide funds for the Commanders' Emergency Re-
10 sponse Program in Iraq; and

11 (2) not to exceed \$800,000,000 may be used by
12 the Secretary of Defense in such fiscal year to pro-
13 vide funds for the Commanders' Emergency Re-
14 sponse Program in Afghanistan.

15 (b) **QUARTERLY REPORTS.**—

16 (1) **IN GENERAL.**—Not later than 30 days after
17 the end of each fiscal-year quarter of fiscal year
18 2011, the Secretary of Defense shall submit to the
19 congressional defense committees a report regarding
20 the Commanders' Emergency Response Program.

21 (2) **MATTERS TO BE INCLUDED.**—The report
22 required under paragraph (1) shall include the fol-
23 lowing:

24 (A) The allocation and use of funds under
25 the Commanders' Emergency Response Pro-
26 gram or any other provision of law making

1 funding available for the Commanders' Emer-
2 gency Response Program during the fiscal-year
3 quarter.

4 (B) The dates of obligation and expendi-
5 ture of such funds during the fiscal-year quar-
6 ter.

7 (C) A description of each project for which
8 amounts in excess of \$500,000 were obligated
9 or expended during the fiscal-year quarter.

10 (D) The dates of obligation and expendi-
11 ture of funds under the Commanders' Emer-
12 gency Response Program or any other provision
13 of law making funding available for the Com-
14 manders' Emergency Response Program for
15 each of fiscal years 2004 through 2010.

16 (3) MATTERS TO BE INCLUDED WITH RESPECT
17 TO COMMANDERS' EMERGENCY RESPONSE PROGRAM
18 IN IRAQ.—The report required under paragraph (1)
19 shall include the following with respect to the Com-
20 manders' Emergency Response Program in Iraq:

21 (A) A written statement by the Secretary
22 of Defense, or the Deputy Secretary of Defense
23 if the authority under subsection (f) is dele-
24 gated to the Deputy Secretary of Defense, af-
25 firming that the certification required under

1 subsection (f) was issued for each project for
2 which amounts in excess of \$1,000,000 were
3 obligated or expended during the fiscal-year
4 quarter.

5 (B) For each project listed in subpara-
6 graph (A), the following information:

7 (i) A description and justification for
8 carrying out the project.

9 (ii) A description of the extent of in-
10 volvement by the Government of Iraq in
11 the project, including—

12 (I) the amount of funds provided
13 by the Government of Iraq for the
14 project; and

15 (II) a description of the plan for
16 the transition of such project upon
17 completion to the people of Iraq and
18 for the sustainment of any completed
19 facilities, including any commitments
20 by the Government of Iraq to sustain
21 projects requiring the support of the
22 Government of Iraq for sustainment.

23 (iii) A description of the current sta-
24 tus of the project, including, where appro-
25 priate, the projected completion date.

1 (C) A description of the status of
2 transitioning activities to the Government of
3 Iraq, including—

4 (i) the level of funding provided and
5 expended by the Government of Iraq in
6 programs designed to meet urgent humani-
7 tarian relief and reconstruction require-
8 ments that immediately assist the Iraqi
9 people; and

10 (ii) a description of the progress made
11 in transitioning the responsibility for the
12 Sons of Iraq Program to the Government
13 of Iraq.

14 (c) SUBMISSION OF GUIDANCE.—

15 (1) INITIAL SUBMISSION.—Not later than 30
16 days after the date of the enactment of this Act, the
17 Secretary of Defense shall submit to the congress-
18 sional defense committees a copy of the guidance
19 issued by the Secretary to the Armed Forces con-
20 cerning the allocation of funds through the Com-
21 manders' Emergency Response Program.

22 (2) MODIFICATIONS.—If the guidance in effect
23 for the purpose stated in paragraph (1) is modified,
24 the Secretary shall submit to the congressional de-
25 fense committees a copy of the modification not later

1 than 15 days after the date on which the Secretary
2 makes the modification.

3 (d) WAIVER AUTHORITY.—For purposes of exer-
4 cising the authority provided by this section or any other
5 provision of law making funding available for the Com-
6 manders' Emergency Response Program, the Secretary of
7 Defense may waive any provision of law not contained in
8 this section that would (but for the waiver) prohibit, re-
9 strict, limit, or otherwise constrain the exercise of that au-
10 thority.

11 (e) PROHIBITION ON CERTAIN PROJECTS UNDER
12 COMMANDERS' EMERGENCY RESPONSE PROGRAM IN
13 IRAQ.—

14 (1) PROHIBITION.—Except as provided in para-
15 graph (2), funds made available under this section
16 for the Commanders' Emergency Response Program
17 in Iraq may not be obligated or expended to carry
18 out any project if the total amount of such funds
19 made available for the purpose of carrying out the
20 project exceeds \$2,000,000.

21 (2) EXCEPTION.—The prohibition contained in
22 paragraph (1) shall not apply with respect to funds
23 managed or controlled by the Department of De-
24 fense that were otherwise provided by another de-
25 partment or agency of the United States Govern-

1 ment, the Government of Iraq, the government of a
2 foreign country, a foundation or other charitable or-
3 ganization (including a foundation or charitable or-
4 ganization that is organized or operates under the
5 laws of a foreign country), or any source in the pri-
6 vate sector of the United States or a foreign coun-
7 try.

8 (3) WAIVER.—The Secretary of Defense may
9 waive the prohibition contained in paragraph (1) if
10 the Secretary—

11 (A) determines that such a waiver is re-
12 quired to meet urgent humanitarian relief and
13 reconstruction requirements that will imme-
14 diately assist the Iraqi people; and

15 (B) submits in writing, within 15 days of
16 issuing such waiver, to the congressional de-
17 fense committees a notification of the waiver,
18 together with a discussion of—

19 (i) the unmet and urgent needs to be
20 addressed by the project; and

21 (ii) any arrangements between the
22 Government of the United States and the
23 Government of Iraq regarding the provi-
24 sion of Iraqi funds for carrying out and
25 sustaining the project.

1 (f) CERTIFICATION OF CERTAIN PROJECTS UNDER
2 THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN
3 IRAQ.—

4 (1) CERTIFICATION.—Funds made available
5 under this section for the Commanders' Emergency
6 Response Program in Iraq may not be obligated or
7 expended to carry out any project if the total
8 amount of such funds made available for the pur-
9 pose of carrying out the project exceeds \$1,000,000
10 unless the Secretary of Defense certifies that the
11 project addresses urgent humanitarian relief and re-
12 construction requirements that will immediately as-
13 sist the Iraqi people.

14 (2) DELEGATION.—The Secretary may delegate
15 the authority under paragraph (1) to the Deputy
16 Secretary of Defense.

17 (g) DEFINITIONS.—In this section—

18 (1) the term “Commanders' Emergency Re-
19 sponse Program” means—

20 (A) with respect to Iraq, the program es-
21 tablished by the Administrator of the Coalition
22 Provisional Authority for the purpose of ena-
23 bling United States military commanders in
24 Iraq to respond to urgent humanitarian relief
25 and reconstruction requirements within their

1 areas of responsibility by carrying out programs
2 that will immediately assist the Iraqi people;
3 and

4 (B) with respect to Afghanistan, the pro-
5 gram established for Afghanistan for purposes
6 similar to the program established for Iraq, as
7 described in subparagraph (A);

8 (2) the term “Commanders’ Emergency Re-
9 sponse Program in Iraq” means the program de-
10 scribed in paragraph (1)(A); and

11 (3) the term “Commanders’ Emergency Re-
12 sponse Program in Afghanistan” means the program
13 described in paragraph (1)(B).

14 **SEC. 1213. MODIFICATION OF AUTHORITY FOR REIMBURSE-**
15 **MENT TO CERTAIN COALITION NATIONS FOR**
16 **SUPPORT PROVIDED TO UNITED STATES**
17 **MILITARY OPERATIONS.**

18 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
19 section 1233 of the National Defense Authorization Act
20 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
21 393), as amended by section 1223 of the National Defense
22 Authorization Act for Fiscal Year 2010 (Public Law 111–
23 84; 123 Stat. 2519), is further amended—

24 (1) in the matter preceding paragraph (1), by
25 striking “2010” and inserting “2011”; and

1 (2) by adding at the end the following:

2 “(3) Logistical and military support provided
3 by that nation to confront the threat posed by
4 al’Qaida, the Taliban, and other militant extremists
5 in Pakistan.”.

6 (b) LIMITATION ON AMOUNT.—Subsection (d)(1) of
7 such section is amended by striking “2010” and inserting
8 “2011”.

9 **SEC. 1214. MODIFICATION OF REPORT ON RESPONSIBLE**
10 **REDEPLOYMENT OF UNITED STATES ARMED**
11 **FORCES FROM IRAQ.**

12 (a) REPORT REQUIRED.—Subsection (a) of section
13 1227 of the National Defense Authorization Act for Fiscal
14 Year 2010 (Public Law 111–84; 123 Stat. 2525; 50
15 U.S.C. 1541 note) is amended—

16 (1) by striking “December 31, 2009” and in-
17 serting “December 31, 2010”; and

18 (2) by striking “90 days thereafter” and insert-
19 ing “180 days thereafter”.

20 (b) ELEMENTS.—Subsection (b) of such section is
21 amended—

22 (1) in paragraph (5), by striking “Multi-Na-
23 tional Force–Iraq” each place it occurs and inserting
24 “United States Forces–Iraq”; and

25 (2) by adding at the end the following:

1 “(6) An assessment of progress to transfer re-
2 sponsibility of programs, projects, and activities car-
3 ried out in Iraq by the Department of Defense to
4 other United States Government departments and
5 agencies, international or nongovernmental entities,
6 or the Government of Iraq. The assessment should
7 include a description of the numbers and categories
8 of programs, projects, and activities for which such
9 other entities have taken responsibility or which
10 have been discontinued by the Department of De-
11 fense. The assessment should also include a discus-
12 sion of any difficulties or barriers in transitioning
13 such programs, projects, and activities and what, if
14 any, solutions have been developed to address such
15 difficulties or barriers.

16 “(7) An assessment of progress toward the goal
17 of establishing those minimum essential capabilities
18 determined by the Secretary of Defense as necessary
19 to allow the Government of Iraq to provide for its
20 own internal and external defense, including a de-
21 scription of—

22 “(A) such capabilities both extant and re-
23 maining to be developed;

24 “(B) major military equipment necessary
25 to achieve such capabilities;

1 “(C) the level and type of support provided
2 by the United States to address shortfalls in
3 such capabilities; and

4 “(D) the level of commitment, both finan-
5 cial and political, made by the Government of
6 Iraq to develop such capabilities, including a
7 discussion of resources used by the Government
8 of Iraq to develop capabilities that the Sec-
9 retary determines are not minimum essential
10 capabilities for purposes of this paragraph.

11 “(8) An assessment of the anticipated level and
12 type of support to be provided by United States spe-
13 cial operations forces to the Government of Iraq and
14 Iraqi special operations forces during the redeploy-
15 ment of United States conventional forces from Iraq.
16 The assessment should include a listing of antici-
17 pated organic support, organic combat service sup-
18 port, and additional critical enabling asset require-
19 ments for United States special operations forces
20 and Iraqi special operations forces, to include engi-
21 neers, rotary aircraft, logisticians, communications
22 assets, information support specialists, forensic ana-
23 lysts, and intelligence, surveillance, and reconnais-
24 sance assets needed through December 31, 2011.”.

1 (c) SECRETARY OF STATE COMMENTS.—Such section
2 is further amended by striking subsection (c) and insert-
3 ing the following:

4 “(c) SECRETARY OF STATE COMMENTS.—Prior to
5 submitting the report required under subsection (a), the
6 Secretary of Defense shall provide a copy of the report
7 to the Secretary of State for review. At the request of the
8 Secretary of State, the Secretary of Defense shall include
9 an appendix to the report which contains any comments
10 or additional information that the Secretary of State re-
11 quests.”.

12 (d) FORM.—Subsection (d) of such section is amend-
13 ed by striking “, whether or not included in another report
14 on Iraq submitted to Congress by the Secretary of De-
15 fense,”.

16 (e) TERMINATION.—Such section is further amended
17 by adding at the end the following:

18 “(f) TERMINATION.—The requirement to submit the
19 report required under subsection (a) shall terminate on
20 September 30, 2012.”.

21 (f) REPEAL OF OTHER REPORTING REQUIRE-
22 MENTS.—The following provisions of law are hereby re-
23 pealed:

24 (1) Section 1227 of the National Defense Au-
25 thORIZATION Act for Fiscal Year 2006 (Public Law

1 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as
2 amended by section 1223 of the National Defense
3 Authorization Act for Fiscal Year 2008 (Public Law
4 110–181; 122 Stat. 373)).

5 (2) Section 1225 of the National Defense Au-
6 thorization Act for Fiscal Year 2008 (Public Law
7 110–181; 122 Stat. 375).

8 **SEC. 1215. MODIFICATION OF REPORTS RELATING TO AF-**
9 **GHANISTAN.**

10 (a) REPORT ON PROGRESS TOWARD SECURITY AND
11 STABILITY IN AFGHANISTAN.—

12 (1) REPORT REQUIRED.—Subsection (a) of sec-
13 tion 1230 of the National Defense Authorization Act
14 for Fiscal Year 2008 (Public Law 110–181; 122
15 Stat. 385), as amended by section 1236 of the Na-
16 tional Defense Authorization Act for Fiscal Year
17 2010 (Public Law 111–84; 123 Stat. 2535), is fur-
18 ther amended by striking “2011” and inserting
19 “2012”.

20 (2) MATTERS TO BE INCLUDED: STRATEGIC DI-
21 RECTION OF UNITED STATES ACTIVITIES RELATING
22 TO SECURITY AND STABILITY IN AFGHANISTAN.—
23 Subsection (c) of such section is amended by adding
24 at the end the following:

1 “(8) CONDITIONS NECESSARY FOR ACHIEVE-
2 MENT OF PROGRESS.—A discussion of the conditions
3 and criteria that would need to exist in key districts
4 and across Afghanistan to—

5 “(A) meet United States and coalition
6 goals in Afghanistan and the region;

7 “(B) permit the transition of lead security
8 responsibility in key districts to the Government
9 of Afghanistan; and

10 “(C) permit the redeployment of United
11 States Armed Forces and coalition forces from
12 Afghanistan.”.

13 (3) MATTERS TO BE INCLUDED: PERFORMANCE
14 INDICATORS AND MEASURES OF PROGRESS TOWARD
15 SUSTAINABLE LONG-TERM SECURITY AND STABILITY
16 IN AFGHANISTAN.—Subsection (d) of such section is
17 amended by adding at the end the following:

18 “(3) CONDITIONS NECESSARY FOR ACHIEVE-
19 MENT OF PROGRESS.—With respect to each perform-
20 ance indicator and measure of progress specified in
21 paragraph (2) (A) through (L), the report shall in-
22 clude a description of the conditions that would need
23 to exist in Afghanistan for the Secretary of Defense
24 to conclude that such indicator or measure of
25 progress has been achieved.”.

1 (b) UNITED STATES PLAN FOR SUSTAINING THE AF-
2 GHANISTAN NATIONAL SECURITY FORCES.—Section
3 1231(a) of the National Defense Authorization Act for
4 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390)
5 is amended by striking “2010” and inserting “2012”.

6 **SEC. 1216. NO PERMANENT MILITARY BASES IN AFGHANI-**
7 **STAN.**

8 None of the funds authorized to be appropriated by
9 this Act may be obligated or expended by the United
10 States Government to establish any military installation
11 or base for the purpose of providing for the permanent
12 stationing of United States Armed Forces in Afghanistan.

13 **SEC. 1217. AUTHORITY TO USE FUNDS FOR REINTEGRA-**
14 **TION ACTIVITIES IN AFGHANISTAN.**

15 (a) **AUTHORITY.**—If a certification described in sub-
16 section (b) is made in accordance with such subsection,
17 the Secretary of Defense may utilize not more than
18 \$50,000,000 from funds made available to the Depart-
19 ment of Defense for operations and maintenance for fiscal
20 year 2011 to support in those areas of Afghanistan speci-
21 fied in the certification the reintegration into Afghan soci-
22 ety of those individuals who—

23 (1) have ceased all support to the insurgency in
24 Afghanistan;

1 (2) have agreed to live in accordance with the
2 Constitution of Afghanistan;

3 (3) have renounced violence against the Govern-
4 ment of Afghanistan and its international partners;
5 and

6 (4) do not have material ties to al Qaeda or af-
7 filiated transnational terrorist organizations.

8 (b) CERTIFICATION.—A certification described in this
9 subsection is a certification made by the Secretary of
10 State, in coordination with the Administrator of United
11 States Agency for International Development, to the ap-
12 propriate congressional committees stating that it is nec-
13 essary for the Department of Defense to carry out a pro-
14 gram of reintegration in areas of Afghanistan that are
15 specified by the Secretary of State in the certification.
16 Such certification shall include—

17 (1) a statement that such program is necessary
18 to support the goals of the United States in Afghan-
19 istan; and

20 (2) a certification that the Department of State
21 and the United States Agency for International De-
22 velopment are unable to carry out a similar program
23 of reintegration in the areas specified by the Sec-
24 retary of State because of the security environment
25 of such areas or for other reasons.

1 (c) SUBMISSION OF GUIDANCE.—

2 (1) INITIAL SUBMISSION.—Not later than 30
3 days after the date of the enactment of this Act, the
4 Secretary of Defense, with the concurrence of the
5 Secretary of State, shall submit to the appropriate
6 congressional committees a copy of the guidance
7 issued by the Secretary or the Secretary's designee
8 concerning the allocation of funds utilizing the au-
9 thority of subsection (a). Such guidance shall in-
10 clude—

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

15 (B) mechanisms to track the status of
16 those individuals described in subsection (a);
17 and

18 (C) metrics to monitor and evaluate the
19 impact of funds used pursuant to subsection
20 (a).

21 (2) MODIFICATIONS.—If the guidance in effect
22 for the purpose stated in paragraph (1) is modified,
23 the Secretary of Defense, with the concurrence of
24 the Secretary of State, shall submit to the appro-
25 priate congressional committees a copy of the modi-

1 fication not later than 15 days after the date on
2 which such modification is made.

3 (d) QUARTERLY REPORTS.—The Secretary of De-
4 fense shall submit to the appropriate congressional com-
5 mittees a report on activities carried out utilizing the au-
6 thority of subsection (a).

7 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means—

- 10 (1) the congressional defense committees; and
11 (2) the Committee on Foreign Affairs of the
12 House of Representative and the Committee on For-
13 eign Relations of the Senate.

14 (f) EXPIRATION.—The authority to utilize funds
15 under subsection (a) shall expire at the close of December
16 31, 2011.

17 **SEC. 1218. ONE-YEAR EXTENSION OF PAKISTAN COUNTER-**
18 **INSURGENCY FUND.**

19 Section 1224(h) of the National Defense Authoriza-
20 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
21 Stat. 2521) is amended by striking “September 30, 2010”
22 both places it appears and inserting “September 30,
23 2011”.

1 **SEC. 1219. AUTHORITY TO USE FUNDS TO PROVIDE SUP-**
2 **PORT TO COALITION FORCES SUPPORTING**
3 **MILITARY AND STABILITY OPERATIONS IN**
4 **IRAQ AND AFGHANISTAN.**

5 (a) **AUTHORITY.**—Notwithstanding section 127d(c)
6 of title 10, United States Code, up to \$400,000,000 of
7 the funds available to the Department of Defense by sec-
8 tion 1509 of this Act may be used to provide supplies,
9 services, transportation, including airlift and sealift, and
10 other logistical support to coalition forces supporting mili-
11 tary and stability operations in Iraq and Afghanistan.

12 (b) **QUARTERLY REPORTS.**—The Secretary of De-
13 fense shall submit quarterly reports to the congressional
14 defense committees regarding support provided under this
15 section.

16 **SEC. 1220. REQUIREMENT TO PROVIDE UNITED STATES**
17 **BRIGADE AND EQUIVALENT UNITS DE-**
18 **PLOYED TO AFGHANISTAN WITH THE COM-**
19 **MENSURATE LEVEL OF UNIT AND THEATER-**
20 **WIDE COMBAT ENABLERS.**

21 (a) **STATEMENT OF POLICY.**—It is the policy of the
22 United States to provide each United States brigade and
23 equivalent units deployed to Afghanistan with the com-
24 mensurate level of unit and theater-wide combat enablers
25 to—

1 (1) implement the United States strategy to
2 disrupt, dismantle, and defeat al Qaeda, the Taliban,
3 and their affiliated networks and eliminate their safe
4 haven;

5 (2) achieve the military campaign plan;

6 (3) minimize the level risk to United States, co-
7 alition, and Afghan forces; and

8 (4) reduce the number of military and civilian
9 casualties.

10 (b) REQUIREMENT.—In order to achieve the policy
11 expressed in subsection (a), the Secretary of Defense shall
12 provide each United States brigade and equivalent units
13 deployed to Afghanistan with the commensurate level of
14 unit and theater-wide combat enablers.

15 (c) REPORT.—Not later than 30 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall submit to the Committees on Armed Services of the
18 Senate and House of Representatives a report con-
19 taining—

20 (1) a description of United States Forces–Af-
21 ghanistan requests for forces for fiscal years 2008,
22 2009, and 2010;

23 (2) a description of the current troop-to-task
24 analysis and resource requirements;

1 (3) the number of United States brigade and
2 equivalent units deployed to Afghanistan;

3 (4) the number of United States unit and the-
4 ater-wide combat enablers deployed to Afghanistan,
5 including at a minimum, a breakdown of—

6 (A) Intelligence, Surveillance, and Recon-
7 naissance (ISR);

8 (B) force protection, including force pro-
9 tection at each United States Forward Oper-
10 ating Base (FOB); and

11 (C) medical evacuation (MEDEVAC); and

12 (5) an assessment of the risk to United States,
13 coalition, and Afghan forces based on a lack of com-
14 bat enablers.

15 (d) COMBAT ENABLERS DEFINED.—In this section,
16 the term “combat enablers” includes—

17 (1) Intelligence, Surveillance, and Recon-
18 naissance (ISR);

19 (2) force protection, including force protection
20 at each United States Forward Operating Base
21 (FOB);

22 (3) medical evacuation (MEDEVAC); and

23 (4) any other combat enablers as determined by
24 the Secretary of Defense.

1 **SEC. 1221. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **ELECTIONS IN AFGHANISTAN.**

3 (a) LIMITATION.—No funds authorized to be appro-
4 priated by this Act may be made available to support the
5 holding of elections in Afghanistan unless and until the
6 President submits a certification described in subsection
7 (b) to the congressional officials specified in subsection
8 (c).

9 (b) CERTIFICATION DESCRIBED.—A certification de-
10 scribed in this subsection is certification in writing that
11 contains a determination of the President of the following:

12 (1) The Afghanistan Independent Election
13 Commission has the professional capacity, personnel,
14 skills, independence, and legal authority to conduct
15 and oversee free, fair, and honest elections.

16 (2) The Afghanistan Independent Election
17 Commission, to the extent possible, has been purged
18 of all members and staff who committed or were
19 otherwise participants in any fraud of the 2009
20 presidential elections, including covering up the elec-
21 toral fraud or otherwise were negligent in inves-
22 tigating allegations of electoral fraud.

23 (3) The Afghan Electoral Complaints Commis-
24 sion is a genuinely independent body with all the au-
25 thorities that were invested in it under Afghanistan

1 law as of December 31, 2009, and with no members
2 appointed by President Hamid Karzai.

3 (c) CONGRESSIONAL OFFICIALS SPECIFIED.—The
4 congressional officials specified in this subsection are the
5 following:

6 (1) The Speaker and minority leader of the
7 House of Representatives.

8 (2) The majority leader and minority leader of
9 the Senate.

10 (3) The Chairman and ranking member of the
11 Committee on Armed Services and the Chairman
12 and ranking member of the Committee on Foreign
13 Affairs of the House of Representatives.

14 (4) The Chairman and ranking member of the
15 Committee on Armed Services and the Chairman
16 and ranking member of the Committee on Foreign
17 Relations of the Senate.

18 **SEC. 1222. RECOMMENDATIONS ON OVERSIGHT OF CON-**
19 **TRACTORS ENGAGED IN ACTIVITIES RELAT-**
20 **ING TO AFGHANISTAN.**

21 (a) RECOMMENDATIONS REQUIRED.—Not later than
22 90 days after the date of the enactment of this Act, the
23 Special Inspector General for Afghanistan Reconstruction
24 shall, in consultation with the Inspector General of the De-
25 partment of Defense, the Inspector General of the United

1 States Agency for International Development, and the In-
2 spector General of the Department of State—

3 (1) issue recommendations on measures to in-
4 crease oversight of contractors engaged in activities
5 relating to Afghanistan that have a record of engag-
6 ing in waste, fraud, or abuse;

7 (2) report on the status of efforts of the De-
8 partment of Defense, the United States Agency for
9 International Development, and the Department of
10 State to implement existing recommendations re-
11 garding oversight of such contractors; and

12 (3) report on the extent to which military and
13 security contractors or subcontractors engaged in ac-
14 tivities relating to Afghanistan have been responsible
15 for the deaths of Afghan civilians.

16 (b) ELEMENTS OF RECOMMENDATIONS.—The rec-
17 ommendations issued under subsection (a)(1) shall in-
18 clude—

19 (1) recommendations for reducing the reliance
20 of the United States on—

21 (A) military and security contractors or
22 subcontractors engaged in activities relating to
23 Afghanistan that have been responsible respon-
24 sible for the deaths of Afghan civilians; and

1 (B) Afghan militias or other armed groups
2 that are not part of the Afghan National Security
3 Forces; and

4 (2) recommendations for prohibiting the Department
5 of Defense, the Department of State, or
6 the United States Agency for International Development
7 from entering into contracts with contractors
8 engaged in activities relating to Afghanistan that
9 have a record of engaging in waste, fraud, or abuse.

10 **SEC. 1223. REPORT ON LONG-TERM COSTS OF OPERATION**

11 **IRAQI FREEDOM AND OPERATION ENDURING**
12 **FREEDOM.**

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

14 (1) The United States has been engaged in
15 military operations in Afghanistan since October
16 2001 and in military operations in Iraq since March
17 2003.

18 (2) According to the Congressional Research
19 Service, through fiscal year 2009, Congress has appropriated
20 \$944,000,000,000 for the Department of
21 Defense, the Department of State, and for medical
22 costs paid by the Department of Veterans Affairs.
23 This amount includes \$683,000,000,000 for Iraq
24 and \$227,000,000,000 for Afghanistan.

1 (3) Over 90 percent of Department of Defense
2 funds for operations in Iraq and Afghanistan have
3 been provided as emergency funds in supplemental
4 or additional appropriations.

5 (4) The Congressional Budget Office and the
6 Congressional Research Service have stated that fu-
7 ture war costs are difficult to estimate because the
8 Department of Defense provides little information on
9 costs incurred to date, does not report outlays or ac-
10 tual expenditures for war because war and baseline
11 funds are mixed in the same accounts, and because
12 of a lack of information from the Department of De-
13 fense on many of the key factors that determine
14 costs, including personnel levels or the pace of oper-
15 ations.

16 (5) Over 2 million United States troops have
17 served in Iraq and Afghanistan since the beginning
18 of the conflicts.

19 (6) Over 4,400 United States troops and De-
20 partment of Defense civilian personnel have been
21 killed in Operation Iraqi Freedom and over 1,060
22 United States troops and Department of Defense ci-
23 vilian personnel have been killed in Operation En-
24 during Freedom.

1 (7) Over 1,340 service members have suffered
2 amputations as a result of their service in Iraq and
3 Afghanistan.

4 (8) More than 243,685 Iraq and Afghanistan
5 veterans have been treated for mental health condi-
6 tions, more than 129,654 Iraq and Afghanistan vet-
7 erans have been diagnosed with Post-Traumatic
8 Stress Disorder, and approximately 30,000 have a
9 confirmed Traumatic Brain Injury diagnosis.

10 (9) Approximately 46 percent of Iraq and Af-
11 ghanistan veterans have sought treatment at De-
12 partment of Veterans Affairs hospitals and clinics.

13 (10) The Independent Review Group on Reha-
14 bilitative Care and Administrative Processes at Wal-
15 ter Reed Army Medical Center and National Naval
16 Medical Center identified Traumatic Brain Injury,
17 Post-Traumatic Stress Disorder, increased survival
18 of severe burns, and traumatic amputations as the
19 four signature wounds of the current conflicts.

20 (11) The Independent Review Group report also
21 states that the recovery process “can take months or
22 years and must accommodate recurring or delayed
23 manifestations of symptoms, extended rehabilitation
24 and all the life complications that emerge over time
25 from such trauma”.

1 (b) REPORT REQUIREMENT; SCENARIOS.—Not later
2 than the date on which the budget of the United States
3 Government is submitted under section 1105(a) of title
4 31, United States Code, for fiscal year 2012, the Presi-
5 dent, with contributions from the Secretary of Defense,
6 the Secretary of State, and the Secretary of the Depart-
7 ment of Veterans Affairs, shall submit a report to Con-
8 gress containing an estimate of the long-term costs of Op-
9 eration Iraqi Freedom and Operation Enduring Freedom.
10 The report shall contain estimates for the following sce-
11 narios:

12 (1) The number of personnel deployed in sup-
13 port of Operation Iraqi Freedom and Operation En-
14 during Freedom is reduced from current levels to
15 approximately 150,000 by the end of fiscal year
16 2011, 65,000 by the end of fiscal year 2012, and
17 30,000 by the end of fiscal year 2013, and remains
18 at that level through fiscal year 2020.

19 (2) The number of personnel deployed in sup-
20 port of Operation Iraqi Freedom and Operation En-
21 during Freedom is increased from current levels to
22 approximately 235,000 by the end of fiscal year
23 2010, is reduced to 230,000 by the end of fiscal year
24 2011, is reduced to 195,000 by the end of fiscal year
25 2012, is reduced to 135,000 by the end of fiscal year

1 2013, is reduced to 80,000 by the end of fiscal year
2 2014, is reduced to 60,000 by the end of fiscal year
3 2015, and remains at that level through fiscal year
4 2020.

5 (3) An alternative scenario, defined by the
6 President and based on current war and withdrawal
7 plans, which takes into account expected troop levels
8 and the expected length of time that troops will be
9 deployed in support of Operation Iraqi Freedom and
10 Operation Enduring Freedom.

11 (c) SPECIAL CONSIDERATIONS.—The estimates re-
12 quired for each scenario shall make projections through
13 at least fiscal year 2020, shall be adjusted appropriately
14 for inflation, shall be based on historical trends, and to
15 the maximum extent practicable shall take into account
16 and specify the following:

17 (1) The total number of troops expected to be
18 activated and deployed to Iraq and Afghanistan dur-
19 ing the course of Operation Iraqi Freedom and Op-
20 eration Enduring Freedom. This number shall in-
21 clude all troops deployed in the region in support of
22 Operation Iraqi Freedom and Operation Enduring
23 Freedom and activated reservists in the United
24 States who are training, backfilling for deployed
25 troops, or supporting other Department of Defense

1 missions directly or indirectly related to Operation
2 Iraqi Freedom and Operation Enduring Freedom.
3 This number shall also break down activations and
4 deployments of Active Duty, Reservists, and Na-
5 tional Guard troops.

6 (2) The number of troops, including National
7 Guard and Reserve troops, who have served and who
8 are expected to serve multiple deployments.

9 (3) The number of contractors and private mili-
10 tary security firms that have been utilized and are
11 expected to be utilized during the course of the con-
12 flicts in Iraq and Afghanistan.

13 (4) The number of veterans currently suffering
14 and expected to suffer from Post-Traumatic Stress
15 Disorder, Traumatic Brain Injury, or other mental
16 injuries.

17 (5) The number of veterans currently in need of
18 and expected to be in need of prosthetic care and
19 treatment because of amputations incurred during
20 Operation Iraqi Freedom and Operation Enduring
21 Freedom.

22 (6) The current number of pending Department
23 of Veterans Affairs claims from Iraq and Afghani-
24 stan veterans, and the total number of Iraq and Af-
25 ghanistan veterans expected to seek disability com-

1 pensation benefits from the Department of Veterans
2 Affairs.

3 (7) The total number of troops who have been
4 killed and wounded in Iraq and Afghanistan to date,
5 including noncombat casualties, the total number of
6 troops expected to suffer injuries in Iraq and Af-
7 ghanistan, and the total number of troops expected
8 to be killed in Iraq and Afghanistan, including non-
9 combat casualties.

10 (8) Funding already appropriated for the De-
11 partment of Defense, the Department of State, and
12 the Department of Veterans Affairs for costs related
13 to the wars in Iraq and Afghanistan. This shall in-
14 clude an account of the amount of funding from reg-
15 ular Department of Defense, Department of State,
16 and Department of Veterans Affairs budgets that
17 has gone and will go to Iraq and Afghanistan.

18 (9) Current and future operational expendi-
19 tures, including funding for combat operations; de-
20 ploying, transporting, feeding, and housing troops
21 (including fuel costs); deployment of National Guard
22 and Reserve troops; the equipping and training of
23 Iraqi and Afghani forces; purchasing, upgrading,
24 and repairing weapons, munitions and other equip-

1 ment; and payments to other countries for logistical
2 assistance.

3 (10) Past, current, and future cost of govern-
4 ment contractors and private military security firms.

5 (11) Average annual cost for each troop and
6 combat brigade deployed in support of Operation
7 Iraqi Freedom and Operation Enduring Freedom,
8 including room and board, equipment and body
9 armor, transportation of troops and equipment (in-
10 cluding fuel costs), and operational costs.

11 (12) Current and future cost of combat-related
12 special pays and benefits, including reenlistment bo-
13 nuses.

14 (13) Current and future cost of activating Na-
15 tional Guard and Reserve forces and paying them on
16 a full-time basis.

17 (14) Current and future cost for reconstruction,
18 embassy operations and construction, and foreign
19 aid programs for Iraq and Afghanistan.

20 (15) Current and future cost of bases and other
21 infrastructure to support United States troops in
22 Iraq and Afghanistan.

23 (16) Current and future cost of providing
24 healthcare for returning veterans. This estimate
25 shall include the cost of mental health treatment for

1 veterans suffering from Post-Traumatic Stress Dis-
2 order and Traumatic Brain Injury, and other mental
3 problems as a result of their service in Operation
4 Iraqi Freedom and Operation Enduring Freedom.
5 This estimate shall also include the cost of lifetime
6 prosthetics care and treatment for veterans suffering
7 from amputations as a result of their service in Op-
8 eration Iraqi Freedom and Operation Enduring
9 Freedom.

10 (17) Current and future cost of providing De-
11 partment of Veterans Affairs disability benefits for
12 lifetime of veterans.

13 (18) Current and future cost of providing sur-
14 vivors' benefits to survivors of service members.

15 (19) Cost of bringing troops and equipment
16 home at the end of the wars, including cost of de-
17 mobilizing troops, transporting troops home (includ-
18 ing fuel costs), providing transition services from ac-
19 tive duty to veteran status, transporting equipment,
20 weapons, and munitions (including fuel costs), and
21 an estimate of the value of equipment which will be
22 left behind.

23 (20) Cost to restore the military and military
24 equipment, including the National Guard and Na-

1 tional Guard equipment, to full strength after the
2 wars.

3 (21) Cost of the administration's plan to per-
4 manently increase the Army and Marine Corps by
5 92,000.

6 (22) Amount of money borrowed to pay for the
7 wars in Iraq and Afghanistan, and the sources of
8 that money.

9 (23) Interest on borrowed money, including in-
10 terest for money already borrowed and anticipated
11 interest payments on future borrowing for the war
12 in Iraq and the war in Afghanistan to the extent all
13 spending associated with the war in Iraq and the
14 war in Afghanistan have been and will be financed
15 with borrowed money.

16 **Subtitle C—Other Matters**

17 **SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION** 18 **CENTER.**

19 Section 1244(a) of the National Defense Authoriza-
20 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
21 Stat. 2541) is amended—

22 (1) by striking “fiscal year 2010” and inserting
23 “fiscal year 2011”; and

24 (2) by striking “\$30,000,000” and inserting
25 “\$50,000,000”.

1 **SEC. 1232. NATIONAL MILITARY STRATEGIC PLAN TO**
2 **COUNTER IRAN.**

3 (a) NATIONAL MILITARY STRATEGIC PLAN RE-
4 QUIRED.—The Secretary of Defense shall develop a stra-
5 tegic plan, to be known as the “National Military Strategic
6 Plan to Counter Iran”. The strategic plan shall—

7 (1) outline the Department of Defense’s stra-
8 tegic planning and provide strategic guidance for
9 military activities and operations that support the
10 United States policy objective of countering threats
11 posed by Iran;

12 (2) identify the direct and indirect military con-
13 tribution to this policy objective, and constitute the
14 comprehensive military plan to counter threats posed
15 by Iran;

16 (3) undertake a review of the intelligence in the
17 possession of the Department of Defense to develop
18 a list of gaps in intelligence that limit the ability of
19 the Department of Defense to counter threats ema-
20 nating from Iran that the Secretary considers to be
21 critical;

22 (4) shall develop a plan to address those gaps
23 identified in the review under paragraph (3); and

24 (5) undertake a review of the plans of the De-
25 partment of Defense to counter threats to the

1 United States, its forces, allies, and interests from
2 Iran, including—

3 (A) plans for both conflict and peace;

4 (B) contributions of the Department of
5 Defense to the efforts of other agencies of the
6 United States Government to counter or ad-
7 dress the threat emanating from Iran; and

8 (C) any gaps in the plans, capabilities and
9 authorities of the Department.

10 (b) PLAN.—In addition to the plan required under
11 subsection (a), the Secretary of Defense shall develop a
12 plan to address those gaps identified in the review re-
13 quired in subsection (a)(5). The plan shall guide the plan-
14 ning and actions of the relevant combatant commands, the
15 military departments, and combat support agencies that
16 the Secretary of Defense determines have a role in coun-
17 tering threats posed by Iran.

18 (c) REPORT TO CONGRESS.—

19 (1) IN GENERAL.—Not later than the date on
20 which the President submits to Congress the budget
21 for a fiscal year under section 1105 of title 31,
22 United States Code, the Secretary of Defense shall
23 submit to the congressional defense committees a re-
24 port identifying and justifying any resources, capa-
25 bilities, legislative authorities, or changes to current

1 law the Secretary believes are necessary to carry out
2 the plan required under subsection (b) to address
3 the gaps identified in the strategic plan required in
4 subsection (a).

5 (2) FORM.—The report required in paragraph
6 (1) shall be in unclassified form, but may include a
7 classified annex.

8 **SEC. 1233. REPORT ON DEPARTMENT OF DEFENSE'S PLANS**
9 **TO REFORM THE EXPORT CONTROL SYSTEM.**

10 (a) REPORT REQUIRED.—Not later than 60 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall submit to the appropriate congressional
13 committees a report on the Department of Defense's plans
14 to reform the Department's export control system.

15 (b) MATTERS TO BE INCLUDED.—The report re-
16 quired under subsection (a) shall include—

17 (1) a description of the plans of the Depart-
18 ment of Defense to implement Presidential Study
19 Directive 8; and

20 (2) an assessment of the extent to which the
21 plans to reform the export control system will—

22 (A) impact the Defense Technology Secu-
23 rity Administration of the Department of De-
24 fense;

1 (B) affect the role of the Department of
2 Defense with respect to export control policy;
3 and

4 (C) ensure greater protection and moni-
5 toring of key defense items and technologies.

6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “appropriate congres-
8 sional committees” means—

9 (1) the Committee on Armed Services and the
10 Committee on Foreign Affairs of the House of Rep-
11 resentatives; and

12 (2) the Committee on Armed Services and the
13 Committee on Foreign Relations of the Senate.

14 **SEC. 1234. REPORT ON UNITED STATES EFFORTS TO DE-**
15 **FEND AGAINST THREATS POSED BY THE AD-**
16 **VANCED ANTI-ACCESS CAPABILITIES OF PO-**
17 **TENTIALLY HOSTILE FOREIGN COUNTRIES.**

18 (a) CONGRESSIONAL FINDING.—Congress finds that
19 the report of the 2010 Department of Defense Quadren-
20 nial Defense Review finds that “Anti-access strategies
21 seek to deny outside countries the ability to project power
22 into a region, thereby allowing aggression or other desta-
23 bilizing actions to be conducted by the anti-access power.
24 Without dominant capabilities to project power, the integ-
25 rity of U.S. alliances and security partnerships could be

1 called into question, reducing U.S. security and influence
2 and increasing the possibility of conflict.”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that, in light of the finding in subsection (a), the
5 Secretary of Defense should ensure that the United States
6 has the appropriate authorities, capabilities, and force
7 structure to defend against any threats posed by the ad-
8 vanced anti-access capabilities of potentially hostile for-
9 eign countries.

10 (c) REPORT.—Not later than April 1, 2011, the Sec-
11 retary of Defense shall submit to the Committees on
12 Armed Services of the Senate and the House of Represent-
13 atives a report on United States efforts to defend against
14 any threats posed by the advanced anti-access capabilities
15 of potentially hostile foreign countries.

16 (d) MATTERS TO BE INCLUDED.—The report re-
17 quired under subsection (c) shall include the following:

18 (1) An assessment of any threats posed by the
19 advanced anti-access capabilities of potentially hos-
20 tile foreign countries, including an identification of
21 the foreign countries with such capabilities, the na-
22 ture of such capabilities, and the possible advances
23 in such capabilities over the next 10 years.

24 (2) A description of any efforts by the Depart-
25 ment of Defense since the release of the 2010 Quad-

1 rennial Defense Review to address the finding in
2 subsection (a).

3 (3) A description of the authorities, capabilities,
4 and force structure that the United States may re-
5 quire over the next 10 years to address the finding
6 in subsection (a).

7 (e) FORM.—The report required under subsection (c)
8 shall be submitted in unclassified form, but may contain
9 a classified annex if necessary.

10 (f) MODIFICATION OF OTHER REPORTS.—

11 (1) CONCERNING THE PEOPLE’S REPUBLIC OF
12 CHINA.—Section 1202(b) of the National Defense
13 Authorization Act for Fiscal Year 2000 (Public Law
14 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as
15 most recently amended by section 1246 of the Na-
16 tional Defense Authorization Act for Fiscal Year
17 2010 (Public Law 111–84; 123 Stat. 2544), is fur-
18 ther amended—

19 (A) by redesignating paragraphs (10)
20 through (12) as paragraphs (11) through (13),
21 respectively; and

22 (B) by inserting after paragraph (9) the
23 following:

24 “(10) Developments in China’s anti-access and
25 area denial capabilities.”.

1 (2) CONCERNING IRAN.—Section 1245(b) of the
2 National Defense Authorization Act for Fiscal Year
3 2010 (Public Law 111–84; 123 Stat. 2542) is
4 amended by adding at the end the following:

5 “(5) A description and assessment of Iran’s
6 anti-access and area denial strategy and capabili-
7 ties.”.

8 **SEC. 1235. REPORT ON FORCE STRUCTURE CHANGES IN**
9 **COMPOSITION AND CAPABILITIES AT MILI-**
10 **TARY INSTALLATIONS IN EUROPE.**

11 (a) REPORT REQUIRED.—Not later than one year
12 after the date of the enactment of this Act, the Secretary
13 of Defense, in coordination with the Secretary of State,
14 shall submit to the appropriate congressional committees
15 a report evaluating potential changes in the composition
16 and capabilities of units of the United States Armed
17 Forces at military installations in European member na-
18 tions of the North Atlantic Treaty Organization—

19 (1) to satisfy the commitments undertaken by
20 United States pursuant to Article 5 of the North At-
21 lantic Treaty, signed at Washington, District of Co-
22 lumbia, on April 4, 1949, and entered into force on
23 August 24, 1949 (63 Stat. 2241; TIAS 1964);

1 (2) to address the current security environment
2 in Europe, including United States participation in
3 theater cooperation activities; and

4 (3) to contribute to peace and stability in Eu-
5 rope.

6 (b) MATTERS TO BE CONSIDERED.—As part of the
7 report, the Secretary of Defense shall consider—

8 (1) the stationing of advisory and assist bri-
9 gades at military installations in Europe;

10 (2) the expanded use of Joint Task Forces to
11 train and build mutual capabilities with partner
12 countries; and

13 (3) the stationing of units of the United States
14 Armed Forces to support missile defense and cyber-
15 security missions.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Armed Services and the
20 Committee on Foreign Affairs of the House of Rep-
21 resentatives; and

22 (2) the Committee on Armed Services and the
23 Committee on Foreign Relations of the Senate.

1 **SEC. 1236. SENSE OF CONGRESS ON MISSILE DEFENSE AND**
2 **NEW START TREATY WITH RUSSIAN FEDERA-**
3 **TION.**

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

5 (1) The United States and the Russian Federa-
6 tion signed the Treaty between the United States of
7 America and the Russian Federation on Measures
8 for the Further Reduction and Limitation of Stra-
9 tegic Offensive Arms (commonly known as the “New
10 START Treaty”) on April 8, 2010.

11 (2) The preamble of the New START Treaty
12 states, “Recognizing the existence of the inter-
13 relationship between strategic offensive arms and
14 strategic defensive arms, that this interrelationship
15 will become more important as strategic nuclear
16 arms are reduced, and that current strategic defen-
17 sive arms do not undermine the viability and effec-
18 tiveness of the strategic offensive arms of the Par-
19 ties.”.

20 (3) Officials of the United States have stated
21 that the New START Treaty does not constrain the
22 missile defenses of the United States and according
23 to the New START Treaty U.S. Congressional
24 Briefing Book of April, 2010, released by the De-
25 partment of State and the Department of Defense,
26 “The United States will continue to invest in im-

1 improvements to both strategic and theater missile de-
2 fenses, both qualitatively and quantitatively, as need-
3 ed for our security and the security of our allies.”.

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

6 (1) as stated by officials of the United States,
7 there would be no limitations on any phase of the
8 phased, adaptive approach to missile defense in Eu-
9 rope resulting from ratification of the New START
10 treaty between the United States and Russia, signed
11 on 8 April 2010;

12 (2) the United States should deploy the phased,
13 adaptive approach for missile defense in Europe to
14 protect the United States, its deployed forces, and
15 NATO allies, after appropriate testing and con-
16 sistent with NATO policy; and

17 (3) the ground-based midcourse defense system
18 in Alaska and California should be maintained,
19 evolved, and appropriately tested because it is the
20 only missile defense capability as of the date of the
21 enactment of this Act that would protect the United
22 States from the growing threat of a long-range bal-
23 listic missile attack.

1 **SEC. 1237. REPORT ON THE STRATEGIC IMPLICATIONS OF**
2 **THE SUCCESSFUL NEGOTIATION OF AN INCI-**
3 **DENTS AT SEA AGREEMENT BETWEEN THE**
4 **UNITED STATES AND THE GOVERNMENT OF**
5 **IRAN.**

6 (a) REPORT REQUIRED.—Not later than one year
7 after the date of the enactment of this Act, the Secretary
8 of Defense, in coordination with the Secretary of State,
9 shall submit to the appropriate congressional committees
10 a report evaluating naval security in the Persian Gulf and
11 the Strait of Hormuz.

12 (b) MATTERS TO BE INCLUDED.—The report re-
13 quired under subsection (a) shall include an assessment
14 of the strategic benefits of the successful negotiation of
15 a multilateral or bilateral Incidents at Sea military-to-mili-
16 tary agreement including the United States and the Gov-
17 ernment of Iran aimed at defusing tension and preventing
18 accidental naval conflict in the Persian Gulf and the Strait
19 of Hormuz. Such an assessment should consider and
20 evaluate the effect that such an agreement might have on
21 commercial, military, and other naval traffic in the region,
22 as well as other United States regional strategic interests.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives; and

4 (2) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate.

6 **SEC. 1238. REQUIREMENT TO MONITOR AND EVALUATE DE-**
7 **PARTMENT OF DEFENSE ACTIVITIES TO**
8 **COUNTER VIOLENT EXTREMISM IN AFRICA.**

9 (a) IN GENERAL.—The Secretary of Defense, in con-
10 sultation with the Secretary of State, shall monitor and
11 evaluate the impact of United States Africa Command
12 (USAFRICOM) Combined Joint Task Force—Horn of Af-
13 rica’s (CJTF—HOA) activities to counter violent extre-
14 mism in Africa, including civil affairs, psychological oper-
15 ations, humanitarian assistance, and operations to
16 strengthen the capacity of partner nations.

17 (b) REPORT.—Not later than 90 days after the date
18 of the enactment of this Act, the Secretary of Defense
19 shall submit to the appropriate congressional committees
20 a report on the following:

21 (1) An evaluation of the impact of CJTF—
22 HOA’s activities described in subsection (a) to ad-
23 vance United States security objectives in the Horn
24 of Africa, including the extent to which CJTF—
25 HOA’s activities—

- 1 (A) disrupt or deny terrorist networks;
2 (B) combat violent extremist ideology;
3 (C) are aligned with USAFRICOM's mis-
4 sion; and
5 (D) complement programs conducted by
6 the United States Agency for International De-
7 velopment.

8 (2) USAFRICOM's efforts to monitor and
9 evaluate the impact of CJTF-HOA's activities de-
10 scribed in subsection (a), including—

11 (A) the means by which CJTF-HOA fol-
12 lows up on such activities to evaluate the effec-
13 tiveness of such activities;

14 (B) USAFRICOM's specific assessments
15 of CJTF-HOA's activities; and

16 (C) a description of plans by the Secretary
17 of Defense to make permanent CJTF-HOA's
18 presence in Djibouti.

19 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the Committee on Armed Services and the
23 Committee on Foreign Affairs of the House of Rep-
24 resentatives; and

1 (2) the Committee on Armed Services and the
2 Committee on Foreign Relations of the Senate.

3 **SEC. 1239. REPORT ON CERTAIN IRAQIS AFFILIATED WITH**
4 **THE UNITED STATES.**

5 (a) IN GENERAL.—Not later than 120 days after the
6 date of the enactment of this Act, the Secretary of De-
7 fense, in consultation with the Secretary of State, the At-
8 torney General, the Secretary of Homeland Security, the
9 Administrator of the United States Agency for Inter-
10 national Development, and the heads of other appropriate
11 Federal agencies (as determined by the Secretary of De-
12 fense), shall submit to the Congress a report containing
13 the information described in subsection (b). In preparing
14 such report, the Secretary of Defense shall use available
15 information from organizations and entities closely associ-
16 ated with the United States mission in Iraq that have re-
17 ceived United States Government funding through an offi-
18 cial and documented contract, award, grant, or coopera-
19 tive agreement.

20 (b) INFORMATION.—The information described in
21 this subsection is the following:

22 (1) The number of Iraqis who were or are em-
23 ployed by the United States Government in Iraq or
24 who are or were employed in Iraq by an organization
25 or entity closely associated with the United States

1 mission in Iraq that has received United States Gov-
2 ernment funding through an official and documented
3 contract, award, grant, or cooperative agreement.

4 (2) The number of Iraqis who have applied—

5 (A) for resettlement in the United States
6 as a refugee under section 1243 of the Refugee
7 Crisis in Iraq Act of 2007 (subtitle C of title
8 XII of division A of Public Law 110–181; 122
9 Stat. 395 et seq.); or

10 (B) to enter the United States as a special
11 immigrant under section 1244 of such Act.

12 (3) The status of each application described in
13 paragraph (2).

14 (4) The estimated number of individuals de-
15 scribed in paragraph (1) who have been injured or
16 killed in Iraq.

17 (c) EXPEDITED PROCESSING.—The Secretary of De-
18 fense, the Secretary of State, and the Secretary of Home-
19 land Security shall develop a plan using the report sub-
20 mitted under subsection (a) to expedite the processing of
21 the applications described in subsection (b)(2) in the case
22 of Iraqis at risk as the United States withdraws from Iraq.

1 **TITLE XIII—COOPERATIVE**
2 **THREAT REDUCTION**

3 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
4 **DUCTION PROGRAMS AND FUNDS.**

5 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
6 DUCTION PROGRAMS.—For purposes of section 301 and
7 other provisions of this Act, Cooperative Threat Reduction
8 programs are the programs specified in section 1501 of
9 the National Defense Authorization Act for Fiscal Year
10 1997 (50 U.S.C. 2362 note).

11 (b) FISCAL YEAR 2011 COOPERATIVE THREAT RE-
12 DUCTION FUNDS DEFINED.—As used in this title, the
13 term “fiscal year 2011 Cooperative Threat Reduction
14 funds” means the funds appropriated pursuant to the au-
15 thorization of appropriations in section 301 for Coopera-
16 tive Threat Reduction programs.

17 (c) AVAILABILITY OF FUNDS.—Funds appropriated
18 pursuant to the authorization of appropriations in section
19 301 for Cooperative Threat Reduction programs shall be
20 available for obligation for fiscal years 2011, 2012, and
21 2013.

22 **SEC. 1302. FUNDING ALLOCATIONS.**

23 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
24 \$522,512,000 authorized to be appropriated to the De-
25 partment of Defense for fiscal year 2011 in section

1 301(20) for Cooperative Threat Reduction programs, the
2 following amounts may be obligated for the purposes spec-
3 ified:

4 (1) For strategic offensive arms elimination in
5 Russia, \$66,732,000.

6 (2) For strategic nuclear arms elimination in
7 Ukraine, \$6,800,000.

8 (3) For nuclear weapons storage security in
9 Russia, \$9,614,000.

10 (4) For nuclear weapons transportation security
11 in Russia, \$45,000,000.

12 (5) For weapons of mass destruction prolifera-
13 tion prevention in the states of the former Soviet
14 Union, \$79,821,000.

15 (6) For biological threat reduction in the
16 former Soviet Union, \$209,034,000.

17 (7) For chemical weapons destruction,
18 \$3,000,000.

19 (8) For defense and military contacts,
20 \$5,000,000.

21 (9) For Global Nuclear Lockdown,
22 \$74,471,000.

23 (10) For activities designated as Other Assess-
24 ments/Administrative Costs, \$23,040,000.

1 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
2 FUNDS FOR OTHER PURPOSES.—No fiscal year 2011 Co-
3 operative Threat Reduction funds may be obligated or ex-
4 pended for a purpose other than a purpose listed in para-
5 graphs (1) through (10) of subsection (a) until 15 days
6 after the date that the Secretary of Defense submits to
7 Congress a report on the purpose for which the funds will
8 be obligated or expended and the amount of funds to be
9 obligated or expended. Nothing in the preceding sentence
10 shall be construed as authorizing the obligation or expend-
11 iture of fiscal year 2011 Cooperative Threat Reduction
12 funds for a purpose for which the obligation or expendi-
13 ture of such funds is specifically prohibited under this title
14 or any other provision of law.

15 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
16 AMOUNTS.—

17 (1) IN GENERAL.—Subject to paragraph (2), in
18 any case in which the Secretary of Defense deter-
19 mines that it is necessary to do so in the national
20 interest, the Secretary may obligate amounts appro-
21 priated for fiscal year 2011 for a purpose listed in
22 paragraphs (1) through (10) of subsection (a) in ex-
23 cess of the specific amount authorized for that pur-
24 pose.

1 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
2 tion of funds for a purpose stated in paragraphs (1)
3 through (10) of subsection (a) in excess of the spe-
4 cific amount authorized for such purpose may be
5 made using the authority provided in paragraph (1)
6 only after—

7 (A) the Secretary submits to Congress no-
8 tification of the intent to do so together with a
9 complete discussion of the justification for
10 doing so; and

11 (B) 15 days have elapsed following the
12 date of the notification.

13 **TITLE XIV—OTHER**
14 **AUTHORIZATIONS**
15 **Subtitle A—Military Programs**

16 **SEC. 1401. WORKING CAPITAL FUNDS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2011 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 providing capital for working capital and revolving funds
21 in amounts as follows:

22 (1) For the Defense Working Capital Funds,
23 \$160,965,000.

24 (2) For the Defense Working Capital Fund,
25 Defense Commissary, \$1,273,571,000.

1 **SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BAL-**
2 **ANCES.**

3 (a) STUDY REQUIRED.—Not later than 30 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall seek to enter into a contract with a federally
6 funded research and development center with appropriate
7 expertise in revolving fund financial management to carry
8 out a study to determine a sufficient operational level of
9 cash that each revolving fund of the Department of De-
10 fense should maintain in order to sustain a single rate or
11 price throughout the fiscal year.

12 (b) CONTENTS OF STUDY.—In carrying out a study
13 pursuant to a contract entered into under subsection (a),
14 the federally funded research and development center
15 shall—

16 (1) qualitatively analyze the operational require-
17 ments and inherent risks associated with maintain-
18 ing a specific level of cash within each revolving fund
19 of the Department;

20 (2) for each such revolving fund, take into con-
21 sideration any effects on appropriation accounts that
22 have occurred due to changes made in the rates
23 charged by the fund during a fiscal year;

24 (3) take into consideration direct input from
25 the Secretary of Defense and officials of each of the

1 military departments with leadership responsibility
2 for financial management;

3 (4) examine the guidance provided and regula-
4 tions prescribed by the Secretary of Defense and the
5 Secretary of each of the military departments, as in
6 effect on the date of the enactment of this Act, in-
7 cluding such guidance with respect to programming
8 and budgeting and the annual budget displays pro-
9 vided to Congress;

10 (5) examine the effects on appropriations ac-
11 counts that have occurred due to congressional ad-
12 justments relating to excess cash balances in revolv-
13 ing funds;

14 (6) identify best business practices from the
15 private sector relating to sufficient cash balance re-
16 serves;

17 (7) examine any relevant applicable laws, in-
18 cluding the relevant body of work performed by the
19 Government Accountability Office; and

20 (8) address—

21 (A) instances where the fiscal policy of the
22 Department of Defense directly follows the law,
23 as in effect on the date of the enactment of this
24 Act, and instances where such policy is more re-

1 strictive with respect to the fiscal management
2 of revolving funds than such law requires;

3 (B) instances where current Department
4 fiscal policy restricts the capability of a revolving
5 fund to achieve the most economical and ef-
6 ficient organization and operation of activities;

7 (C) fiscal policy adjustments required to
8 comply with recommendations provided in the
9 study, including proposed adjustments to—

10 (i) the Department of Defense Finan-
11 cial Management Regulation;

12 (ii) published service regulations and
13 instructions; and

14 (iii) major command fiscal guidance;
15 and

16 (D) such other matters as determined rel-
17 evant by the center carrying out the study.

18 (c) AVAILABILITY OF INFORMATION.—The Secretary
19 of Defense and the Secretary of each of the military de-
20 partments shall make available to a federally funded re-
21 search and development center carrying out a study pursu-
22 ant to a contract entered into under subsection (a) all nec-
23 essary and relevant information to allow the center to con-
24 duct the study in a quantitative and analytical manner.

1 (d) REPORT.—Any contract entered into under sub-
2 section (a) shall provide that not later than 9 months after
3 the date on which the Secretary of Defense enters into
4 the contract, the chief executive officer of the entity that
5 carries out the study pursuant to the contract shall submit
6 to the Committees on Armed Services of the Senate and
7 House of Representatives and the Secretary of Defense
8 a final report on the study. The report shall include each
9 of the following:

10 (1) A description of the revolving fund environ-
11 ment, as of the date of the conclusion of the study,
12 and the anticipated future environment, together
13 with the quantitative data used in conducting the as-
14 sessment of such environments under the study.

15 (2) Recommended fiscal policy adjustments to
16 support the initiatives identified in the study, includ-
17 ing adjustments to—

18 (A) the Department of Defense Financial
19 Management Regulation;

20 (B) published service regulations and in-
21 structions; and

22 (C) major command fiscal guidance.

23 (3) Recommendations with respect to any
24 changes to any applicable law that would be appro-

1 piate to support the initiatives identified in the
2 study.

3 (e) SUBMITTAL OF COMMENTS.—Not later than 90
4 days after the date of the submittal of the report under
5 subsection (d), the Secretary of Defense and the Secre-
6 taries of each of the military departments shall submit to
7 the Committees on Armed Services of the Senate and
8 House of Representatives comments on the findings and
9 recommendations contained in the report.

10 **SEC. 1403. MODIFICATION OF CERTAIN WORKING CAPITAL**
11 **FUND REQUIREMENTS.**

12 Section 2208 of title 10, United States Code, is
13 amended—

14 (1) in subsection (c)(1), by striking “or used”
15 and inserting “used, or developed through contin-
16 uous technology refreshment”; and

17 (2) in subsection (k)(2), by striking “\$100,000”
18 and inserting “\$250,000”.

19 **SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITH-**
20 **IN THE PENTAGON RESERVATION MAINTEN-**
21 **NANCE REVOLVING FUND.**

22 Not later than 60 days after the date of the enact-
23 ment of this Act, the Secretary of Defense shall transfer
24 \$77,000,000 from the unobligated balances of the Pen-
25 tagon Reservation Maintenance Revolving Fund estab-

1 lished under section 2674(e) of title 10, United States
2 Code, to the Miscellaneous Receipts Fund of the United
3 States Treasury.

4 **SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.**

5 Funds are hereby authorized to be appropriated for
6 the fiscal year 2011 for the National Defense Sealift Fund
7 in the amount of \$934,866,000.

8 **SEC. 1406. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
9 **TION, DEFENSE.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
11 are hereby authorized to be appropriated for the Depart-
12 ment of Defense for fiscal year 2011 for expenses, not oth-
13 erwise provided for, for Chemical Agents and Munitions
14 Destruction, Defense, in the amount of \$1,467,307,000,
15 of which—

16 (1) \$1,067,364,000 is for Operation and Main-
17 tenance;

18 (2) \$392,811,000 is for Research, Development,
19 Test, and Evaluation; and

20 (3) \$7,132,000 is for Procurement.

21 (b) **USE.**—Amounts authorized to be appropriated
22 under subsection (a) are authorized for—

23 (1) the destruction of lethal chemical agents
24 and munitions in accordance with section 1412 of

1 the Department of Defense Authorization Act, 1986
2 (50 U.S.C. 1521); and

3 (2) the destruction of chemical warfare materiel
4 of the United States that is not covered by section
5 1412 of such Act.

6 **SEC. 1407. DRUG INTERDICTION AND COUNTER-DRUG AC-**
7 **TIVITIES, DEFENSE-WIDE.**

8 Funds are hereby authorized to be appropriated for
9 the Department of Defense for fiscal year 2011 for ex-
10 penses, not otherwise provided for, for Drug Interdiction
11 and Counter-Drug Activities, Defense-wide, in the amount
12 of \$1,131,351,000.

13 **SEC. 1408. DEFENSE INSPECTOR GENERAL.**

14 Funds are hereby authorized to be appropriated for
15 the Department of Defense for fiscal year 2011 for ex-
16 penses, not otherwise provided for, for the Office of the
17 Inspector General of the Department of Defense, in the
18 amount of \$283,354,000, of which—

19 (1) \$282,354,000 is for Operation and Mainte-
20 nance; and

21 (2) \$1,000,000 is for Procurement.

22 **SEC. 1409. DEFENSE HEALTH PROGRAM.**

23 Funds are hereby authorized to be appropriated for
24 the Department of Defense for fiscal year 2011 for ex-

1 penses, not otherwise provided for, for the Defense Health
2 Program, in the amount of \$30,991,952,000, of which—

3 (1) \$29,947,792,000 is for Operation and
4 Maintenance;

5 (2) \$524,239,000 is for Research, Development,
6 Test, and Evaluation; and

7 (3) \$519,921,000 is for Procurement.

8 **Subtitle B—National Defense**
9 **Stockpile**

10 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
11 **STOCKPILE FUNDS.**

12 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
13 cal year 2011, the National Defense Stockpile Manager
14 may obligate up to \$41,181,000 of the funds in the Na-
15 tional Defense Stockpile Transaction Fund established
16 under subsection (a) of section 9 of the Strategic and Crit-
17 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
18 authorized uses of such funds under subsection (b)(2) of
19 such section, including the disposal of hazardous materials
20 that are environmentally sensitive.

21 (b) ADDITIONAL OBLIGATIONS.—The National De-
22 fense Stockpile Manager may obligate amounts in excess
23 of the amount specified in subsection (a) if the National
24 Defense Stockpile Manager notifies Congress that extraor-
25 dinary or emergency conditions necessitate the additional

1 obligations. The National Defense Stockpile Manager may
2 make the additional obligations described in the notifica-
3 tion after the end of the 45-day period beginning on the
4 date on which Congress receives the notification.

5 (c) LIMITATIONS.—The authorities provided by this
6 section shall be subject to such limitations as may be pro-
7 vided in appropriations Acts.

8 **SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES**
9 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
10 **FROM THE NATIONAL DEFENSE STOCKPILE.**

11 Section 3402(b)(5) of the National Defense Author-
12 ization Act for Fiscal Year 2000 (50 U.S.C. 98d note),
13 as most recently amended by section 1412(a) of the Na-
14 tional Defense Authorization Act for Fiscal Year 2008
15 (Public Law 110–181; 122 Stat. 418), is amended by
16 striking “\$710,000,000” and inserting “\$730,000,000”.

17 **Subtitle C—Other Matters**

18 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**
19 **ARMED FORCES RETIREMENT HOME.**

20 There is authorized to be appropriated for fiscal year
21 2011 from the Armed Forces Retirement Home Trust
22 Fund the sum of \$71,200,000 for the operation of the
23 Armed Forces Retirement Home.

1 **SEC. 1422. PLAN FOR FUNDING FUEL INFRASTRUCTURE**
2 **SUSTAINMENT, RESTORATION, AND MOD-**
3 **ERNIZATION REQUIREMENTS.**

4 Not later than the date on which the President sub-
5 mits to Congress the budget for fiscal year 2012 pursuant
6 to section 1105 of title 31, United States Code, the Direc-
7 tor of the Defense Logistics Agency shall submit to the
8 congressional defense committees a report on the fuel in-
9 frastructure of the Department of Defense. Such report
10 shall include projections for fuel infrastructure
11 sustainment, restoration, and modernization require-
12 ments, and a plan for funding such requirements.

13 **TITLE XV—AUTHORIZATION OF**
14 **ADDITIONAL APPROPRIA-**
15 **TIONS FOR OVERSEAS CON-**
16 **TINGENCY OPERATIONS**

17 **SEC. 1501. PURPOSE.**

18 The purpose of this title is to authorize appropria-
19 tions for the Department of Defense for fiscal year 2011
20 to provide additional funds for overseas contingency oper-
21 ations being carried out by the Armed Forces.

22 **SEC. 1502. ARMY PROCUREMENT.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2011 for procurement accounts of the Army
25 in amounts as follows:

26 (1) For aircraft procurement, \$1,373,803,000.

1 (2) For missile procurement, \$343,828,000.

2 (3) For weapons and tracked combat vehicles
3 procurement, \$687,500,000.

4 (4) For ammunition procurement,
5 \$652,491,000.

6 (5) For other procurement, \$5,865,446,000.

7 **SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
8 **FUND.**

9 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
10 are hereby authorized to be appropriated for fiscal year
11 2011 for the Joint Improvised Explosive Device Defeat
12 Fund in the amount of \$3,464,368,000.

13 (b) **USE AND TRANSFER OF FUNDS.**—Subsections
14 (b) and (c) of section 1514 of the John Warner National
15 Defense Authorization Act for Fiscal Year 2007 (Public
16 Law 109–364; 120 Stat. 2439), as amended by section
17 1503 of the Duncan Hunter National Defense Authoriza-
18 tion Act for Fiscal Year 2009 (Public Law 110–417; 122
19 Stat. 4649), shall apply to the funds appropriated pursu-
20 ant to the authorization of appropriations in subsection
21 (a) and made available to the Department of Defense for
22 the Joint Improvised Explosive Device Defeat Fund.

23 (c) **MONTHLY OBLIGATIONS AND EXPENDITURE RE-**
24 **PORTS.**—Not later than 15 days after the end of each
25 month of fiscal year 2011, the Secretary of Defense shall

1 provide to the congressional defense committees a report
2 on the Joint Improvised Explosive Device Defeat Fund ex-
3 plaining monthly commitments, obligations, and expendi-
4 tures by line of action.

5 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2011 for procurement accounts of the Navy and
8 Marine Corps in amounts as follows:

9 (1) For aircraft procurement, Navy,
10 \$843,358,000.

11 (2) For weapons procurement, Navy,
12 \$93,425,000.

13 (3) For ammunition procurement, Navy and
14 Marine Corps, \$565,084,000.

15 (4) For other procurement, Navy,
16 \$480,735,000.

17 (5) For procurement, Marine Corps,
18 \$1,854,243,000.

19 **SEC. 1505. AIR FORCE PROCUREMENT.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2011 for procurement accounts of the Air
22 Force in amounts as follows:

23 (1) For aircraft procurement, \$1,096,520,000.

24 (2) For ammunition procurement,
25 \$292,959,000.

1 (3) For missile procurement, \$56,621,000.

2 (4) For other procurement, \$3,087,481,000.

3 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2011 for the procurement account for Defense-
6 wide activities in the amount of \$1,376,046,000.

7 **SEC. 1507. IRON DOME SHORT-RANGE ROCKET DEFENSE**
8 **PROGRAM.**

9 Of the funds authorized to be appropriated by section
10 1506 for the procurement account for Defense-wide activi-
11 ties, the Secretary of Defense may provide up to
12 \$205,000,000 to the government of Israel for the procure-
13 ment of the Iron Dome defense system to counter short-
14 range rocket threats.

15 **SEC. 1508. NATIONAL GUARD AND RESERVE EQUIPMENT.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2011 for the procurement of aircraft, missiles,
18 wheeled and tracked combat vehicles, tactical wheeled ve-
19 hicles, ammunition, other weapons, and other procurement
20 for the reserve components of the Armed Forces in the
21 amount of \$700,000,000.

1 **SEC. 1509. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
2 **FUND.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2011 for the Mine Resistant Ambush Protected
5 Vehicle Fund in the amount of \$3,415,000,000.

6 **SEC. 1510. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
7 **TION.**

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

11 (1) For the Army, \$112,734,000.

12 (2) For the Navy, \$60,401,000.

13 (3) For the Air Force, \$266,241,000.

14 (4) For Defense-wide activities, \$657,240,000.

15 **SEC. 1511. OPERATION AND MAINTENANCE.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2011 for the use of the Armed Forces for ex-
18 penses, not otherwise provided for, for operation and
19 maintenance, in amounts as follows:

20 (1) For the Army, \$62,202,618,000.

21 (2) For the Navy, \$8,946,634,000.

22 (3) For the Marine Corps, \$4,136,522,000.

23 (4) For the Air Force, \$13,487,283,000

24 (5) For Defense-wide activities,
25 \$9,426,358,000.

26 (6) For the Army Reserve, \$286,950,000.

1 (7) For the Navy Reserve, \$93,559,000.

2 (8) For the Marine Corps Reserve,
3 \$29,685,000.

4 (9) For the Air Force Reserve, \$129,607,000.

5 (10) For the Army National Guard,
6 \$544,349,000.

7 (11) For the Air National Guard,
8 \$350,823,000.

9 (12) For the Afghanistan Security Forces
10 Fund, \$10,964,983,000.

11 (13) For the Iraq Security Forces Fund,
12 \$2,000,000,000.

13 (14) For the Overseas Contingency Operations
14 Transfer Fund, \$506,781,000.

15 **SEC. 1512. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-**
16 **GHANISTAN SECURITY FORCES FUND.**

17 Funds appropriated pursuant to the authorization of
18 appropriations for the Afghanistan Security Forces Fund
19 in section 1511(12) shall be subject to the conditions con-
20 tained in subsections (b) through (g) of section 1513 of
21 the National Defense Authorization Act for Fiscal Year
22 2008 (Public Law 110–181; 122 Stat. 428).

23 **SEC. 1513. LIMITATIONS ON IRAQ SECURITY FORCES FUND.**

24 (a) APPLICATION OF EXISTING LIMITATIONS.—Sub-
25 ject to subsection (b), funds made available to the Depart-

1 ment of Defense for the Iraq Security Forces Fund for
2 fiscal year 2011 shall be subject to the conditions con-
3 tained in subsections (b) through (g) of section 1512 of
4 the National Defense Authorization Act for Fiscal Year
5 2008 (Public Law 110–181; 122 Stat. 426).

6 (b) COST-SHARE REQUIREMENT.—

7 (1) REQUIREMENT.—If funds made available to
8 the Department of Defense for the Iraq Security
9 Forces Fund for fiscal year 2011 are used for the
10 purchase of any item or service for Iraq Security
11 Forces, the funds may not cover more than 80 per-
12 cent of the cost of the item or service.

13 (2) EXCEPTION.—Paragraph (1) does not apply
14 to any item that the Secretary of Defense deter-
15 mines—

16 (A) is an item of significant military equip-
17 ment (as such term is defined in section 47(9)
18 of the Arms Export Control Act (22 U.S.C.
19 2794(9))); or

20 (B) is included on the United States Muni-
21 tions List, as designated pursuant to section
22 38(a)(1) of the Arms Export Control Act (22
23 U.S.C. 2778(a)(1)).

1 **SEC. 1514. MILITARY PERSONNEL.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 to the Department of Defense for military
4 personnel accounts in the total amount of
5 \$15,275,502,000.

6 **SEC. 1515. WORKING CAPITAL FUNDS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2011 for the use of the Armed Forces and other
9 activities and agencies of the Department of Defense for
10 providing capital for working capital and revolving funds
11 in the amount of \$485,384,000.

12 **SEC. 1516. DEFENSE HEALTH PROGRAM.**

13 Funds are hereby authorized to be appropriated for
14 the Department of Defense for fiscal year 2011 for ex-
15 penses, not otherwise provided for, for the Defense Health
16 Program in the amount of \$1,398,092,000 for operation
17 and maintenance.

18 **SEC. 1517. DRUG INTERDICTION AND COUNTER-DRUG AC-**
19 **TIVITIES, DEFENSE-WIDE.**

20 Funds are hereby authorized to be appropriated for
21 the Department of Defense for fiscal year 2011 for ex-
22 penses, not otherwise provided for, for Drug Interdiction
23 and Counter-Drug Activities, Defense-wide in the amount
24 of \$457,110,000.

1 **SEC. 1518. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2011 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense in the
6 amount of \$10,529,000.

7 **SEC. 1519. CONTINUATION OF PROHIBITION ON USE OF**
8 **UNITED STATES FUNDS FOR CERTAIN FACILI-**
9 **TIES PROJECTS IN IRAQ.**

10 Section 1508(a) of the Duncan Hunter National De-
11 fense Authorization Act for Fiscal Year 2009 (Public Law
12 110–417; 122 Stat. 4651) shall apply to funds authorized
13 to be appropriated by this title.

14 **SEC. 1520. AVAILABILITY OF FUNDS FOR RAPID FORCE**
15 **PROTECTION IN AFGHANISTAN.**

16 (a) AVAILABILITY OF FUNDS.—Of the funds author-
17 ized to be appropriated by section 1511(5) for operation
18 and maintenance for Defense-wide activities, the Secretary
19 of Defense may obligate up to \$200,000,000 during fiscal
20 year 2011 to address urgent force protection requirements
21 facing United States military forces in Afghanistan, as
22 identified by the Commander of United States Forces–Af-
23 ghanistan.

24 (b) USE OF RAPID ACQUISITION AUTHORITY.—To
25 carry out this section, the Secretary of Defense shall uti-

1 lize the rapid acquisition authority available to the Sec-
2 retary.

3 (c) USE OF TRANSFER AUTHORITY.—To carry out
4 this section, the Secretary of Defense may utilize the
5 transfer authority provided by section 1522, subject to the
6 limitation in subsection (a)(2) of such section on the total
7 amount of authorizations that may be transferred.

8 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

9 The amounts authorized to be appropriated by this
10 title are in addition to amounts otherwise authorized to
11 be appropriated by this Act.

12 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

13 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

14 (1) AUTHORITY.—Upon determination by the
15 Secretary of Defense that such action is necessary in
16 the national interest, the Secretary may transfer
17 amounts of authorizations made available to the De-
18 partment of Defense in this title for fiscal year 2011
19 between any such authorizations for that fiscal year
20 (or any subdivisions thereof). Amounts of authoriza-
21 tions so transferred shall be merged with and be
22 available for the same purposes as the authorization
23 to which transferred.

24 (2) LIMITATION.—The total amount of author-
25 izations that the Secretary may transfer under the

1 authority of this section may not exceed
2 \$3,500,000,000.

3 (b) TERMS AND CONDITIONS.—Transfers under this
4 section shall be subject to the same terms and conditions
5 as transfers under section 1001.

6 (c) ADDITIONAL AUTHORITY.—The transfer author-
7 ity provided by this section is in addition to the transfer
8 authority provided under section 1001.

9 **SEC. 1523. REPORT ON MINE RESISTANT AMBUSH PRO-**
10 **TECTED VEHICLES.**

11 (a) REPORT.—Not later than 120 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall submit to the congressional defense committees a re-
14 port on the procurement of mine resistant ambush pro-
15 tected vehicles.

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

18 (1) An evaluation of potential cost benefits and
19 manufacturing efficiencies with respect to mine re-
20 sistant ambush protected vehicles.

21 (2) An evaluation of the advisability and feasi-
22 bility of sustained low-level production of mine re-
23 sistant ambush protected vehicles across the indus-
24 trial base as part of a long-term sustainment fleet
25 integration strategy.

1 **TITLE XVI—IMPROVED SEXUAL**
2 **ASSAULT PREVENTION AND**
3 **RESPONSE IN THE ARMED**
4 **FORCES**

5 **SEC. 1601. DEFINITION OF DEPARTMENT OF DEFENSE SEX-**
6 **UAL ASSAULT PREVENTION AND RESPONSE**
7 **PROGRAM AND OTHER DEFINITIONS.**

8 (a) **SEXUAL ASSAULT PREVENTION AND RESPONSE**
9 **PROGRAM DEFINED.**—In this title, the term “sexual as-
10 sault prevention and response program” refers to Depart-
11 ment of Defense policies and programs, including policies
12 and programs of a specific military department or Armed
13 Force, that are intended to reduce the number of sexual
14 assaults involving members of the Armed Forces and im-
15 prove the response of the department to reports of sexual
16 assaults involving members of the Armed Forces, whether
17 members of the Armed Forces are the victim, alleged as-
18 sailant, or both.

19 (b) **OTHER DEFINITIONS.**—In this title:

20 (1) The term “Armed Forces” means the
21 Army, Navy, Air Force, and Marine Corps.

22 (2) The term “department” has the meaning
23 given that term in section 101(a)(6) of title 10,
24 United States Code.

1 (3) The term “military installation” has the
2 meaning given that term by the Secretary concerned.

3 (4) The term “Secretary concerned” means—

4 (A) the Secretary of the Army, with re-
5 spect to matters concerning the Army;

6 (B) the Secretary of the Navy, with re-
7 spect to matters concerning the Navy and the
8 Marine Corps; and

9 (C) the Secretary of the Air Force, with
10 respect to matters concerning the Air Force.

11 **Subtitle A—Immediate Actions to**
12 **Improve Department of Defense**
13 **Sexual Assault Prevention and**
14 **Response Program**

15 **SEC. 1611. SPECIFIC BUDGETING FOR DEPARTMENT OF DE-**
16 **FENSE SEXUAL ASSAULT PREVENTION AND**
17 **RESPONSE PROGRAM.**

18 Effective with the Program Objective Memorandum
19 to be issued for fiscal year 2012 and thereafter and con-
20 taining recommended programming and resource alloca-
21 tions for the Department of Defense, the Secretary of De-
22 fense shall specifically address the Department of Defense
23 sexual assault prevention and response program to ensure
24 that a separate line of funding is allocated to the program.

1 **SEC. 1612. CONSISTENCY IN TERMINOLOGY, POSITION DE-**
2 **SCRIPTIONS, PROGRAM STANDARDS, AND OR-**
3 **GANIZATIONAL STRUCTURES.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall require the use of consistent terminology, position
7 descriptions, minimum program standards, and organiza-
8 tional structures throughout the Armed Forces in imple-
9 menting the Department of Defense sexual assault preven-
10 tion and response program.

11 (b) RECOGNIZING OPERATIONAL DIFFERENCES.—In
12 complying with subsection (a), the Secretary of Defense
13 shall take into account the responsibilities of the Secretary
14 concerned and operational needs of the Armed Force in-
15 volved.

16 **SEC. 1613. GUIDANCE FOR COMMANDERS.**

17 Not later than one year after the date of the enact-
18 ment of this Act, the Secretary of each military depart-
19 ment shall issue guidance to all military unit commanders
20 that implementation of the Department of Defense sexual
21 assault prevention and response program requires their
22 leadership and is their responsibility.

23 **SEC. 1614. COMMANDER CONSULTATION WITH VICTIMS OF**
24 **SEXUAL ASSAULT.**

25 Before making a decision regarding how to proceed
26 under the Uniform Code of Military Justice in the case

1 of an alleged sexual assault or other offense covered by
2 section 920 of title 10, United States Code (article 120),
3 the commanding officer shall offer to meet with the victim
4 of the offense to determine the opinion of the victim re-
5 garding case disposition and provide that information to
6 the convening authority.

7 **SEC. 1615. OVERSIGHT AND EVALUATION.**

8 Not later than one year after the date of the enact-
9 ment of this Act, the Secretary of Defense shall—

10 (1) issue standards to be used to assess and
11 evaluate the effectiveness of the sexual assault pre-
12 vention and response program of each Armed Force
13 in reducing the number of sexual assaults involving
14 members of the Armed Forces and in improving the
15 response of the department to reports of sexual as-
16 saults involving members of the Armed Forces,
17 whether members of the Armed Forces are the vic-
18 tim, alleged assailant, or both; and

19 (2) develop measures to ensure that the Armed
20 Forces comply with those standards.

21 **SEC. 1616. SEXUAL ASSAULT REPORTING HOTLINE.**

22 (a) AVAILABILITY OF HOTLINE.—Not later than 180
23 days after the date of the enactment of this Act, the Sec-
24 retary of Defense shall establish a universal hotline to fa-
25 cilitate the reporting of a sexual assault—

1 (1) by a member of the Armed Forces, whether
2 serving in the United States or overseas, who is a
3 victim of a sexual assault; or

4 (2) by any other person who is a victim of a
5 sexual assault involving a member of the Armed
6 Forces.

7 (b) PROMPT RESPONSE.—The Secretary of Defense
8 shall ensure that a Sexual Assault Response Coordinator
9 serving in the locality of the victim promptly responds to
10 the reporting of a sexual assault using the hotline. The
11 Secretary of Defense shall define appropriate localities for
12 purposes of this subsection.

13 **SEC. 1617. REVIEW OF APPLICATION OF SEXUAL ASSAULT**
14 **PREVENTION AND RESPONSE PROGRAM TO**
15 **RESERVE COMPONENTS.**

16 (a) REPORT REQUIRED.—Not later than one year
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the congressional defense com-
19 mittees a report on the application of the sexual assault
20 prevention and response program for the reserve compo-
21 nents.

22 (b) CONTENTS.—The report required by subsection
23 (a) shall include, at a minimum, the following:

24 (1) The ability of members of the reserve com-
25 ponents to access the services available under the

1 sexual assault prevention and response program, in-
2 cluding policies and programs of a specific military
3 department or Armed Force.

4 (2) The quality of training provided to Sexual
5 Assault Response Coordinators and Sexual Assault
6 Victim Advocates in the reserve components.

7 (3) The degree to which the services available
8 for regular and reserve members under the sexual
9 assault prevention and response program are inte-
10 grated.

11 (4) Such recommendations as the Secretary of
12 Defense considers appropriate on how to improve the
13 services available for reserve members under the sex-
14 ual assault prevention and response program and
15 their access to the services.

16 **SEC. 1618. REVIEW OF EFFECTIVENESS OF REVISED UNI-**
17 **FORM CODE OF MILITARY JUSTICE OF-**
18 **FENSES REGARDING RAPE, SEXUAL ASSAULT,**
19 **AND OTHER SEXUAL MISCONDUCT.**

20 (a) REVIEW REQUIRED.—The Secretary of Defense
21 shall conduct a review of the effectiveness of section 920
22 of title 10, United States Code (article 120 of the Uniform
23 Code of Military Justice), as amended by section 552 of
24 the National Defense Authorization Act for Fiscal Year
25 2006 (Public Law 109–163; 119 Stat. 3256). The Sec-

1 retary shall use a panel of military justice experts to con-
2 duct the review.

3 (b) SUBMISSION OF RESULTS.—Not later than one
4 year after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit the results of the review
6 to the congressional defense committees.

7 **SEC. 1619. TRAINING AND EDUCATION PROGRAMS FOR SEX-**
8 **UAL ASSAULT PREVENTION AND RESPONSE**
9 **PROGRAM.**

10 (a) SEXUAL ASSAULT PREVENTION AND RESPONSE
11 TRAINING AND EDUCATION.—

12 (1) DEVELOPMENT OF CURRICULA.—Not later
13 than one year after the date of the enactment of this
14 Act, the Secretary of each military department shall
15 develop curricula to provide sexual assault preven-
16 tion and response training and education for mem-
17 bers of the Armed Forces under the jurisdiction of
18 the Secretary and civilian employees of the military
19 department to strengthen individual knowledge,
20 skills, and capacity to prevent and respond to sexual
21 assault.

22 (2) SCOPE OF TRAINING AND EDUCATION.—
23 The sexual assault prevention and response training
24 and education shall encompass initial entry and ac-
25 cession programs, annual refresher training, profes-

1 sional military education, peer education, and spe-
2 cialized leadership training. Training shall be tai-
3 lored for specific leadership levels and local area re-
4 quirements.

5 (3) CONSISTENT TRAINING.—The Secretary of
6 Defense shall ensure that the sexual assault preven-
7 tion and response training provided to members of
8 the Armed Forces and Department of Defense civil-
9 ian employees is consistent throughout the military
10 departments.

11 (b) INCLUSION IN PROFESSIONAL MILITARY EDU-
12 CATION.—The Secretary of Defense shall provide for the
13 inclusion of a sexual assault prevention and response
14 training module at each level of professional military edu-
15 cation. The training shall be tailored to the new respon-
16 sibilities and leadership requirements of members of the
17 Armed Forces as they are promoted.

18 (c) INCLUSION IN FIRST RESPONDER TRAINING.—

19 (1) IN GENERAL.—The Secretary of Defense
20 shall direct that managers of specialty skills associ-
21 ated with first responders described in paragraph
22 (2) integrate sexual assault response training in ini-
23 tial and recurring training courses.

24 (2) COVERED FIRST RESPONDERS.—First re-
25 sponders referred to in paragraph (1) include fire-

1 fighters, emergency medical technicians, law enforce-
2 ment officers, military criminal investigators,
3 healthcare personnel, judge advocates, and chap-
4 lains.

5 **SEC. 1620. USE OF SEXUAL ASSAULT FORENSIC MEDICAL**
6 **EXAMINERS.**

7 Not later than two years after the date of the enact-
8 ment of this Act, the Secretary of Defense shall provide
9 for the use of forensic medical examiners within the De-
10 partment of Defense who are specially trained regarding
11 the collection and preservation of evidence in cases involv-
12 ing sexual assault.

13 **SEC. 1621. SEXUAL ASSAULT ADVISORY BOARD.**

14 (a) ESTABLISHMENT.—Not later than one year after
15 the date of the enactment of this Act, the Secretary of
16 Defense shall establish a Sexual Assault Advisory Board,
17 to be modeled after other Defense advisory boards, such
18 as the Defense Business Board, the Defense Policy Board,
19 or the Defense Science Board.

20 (b) PURPOSE.—The purpose of the Sexual Assault
21 Advisory Board is—

22 (1) to advise the Secretary of Defense on the
23 overall Department of Defense sexual assault pre-
24 vention and response program and its comprehensive
25 prevention strategy and on the effectiveness of the

1 sexual assault prevention and response program of
2 each Armed Force; and

3 (2) to make recommendations regarding
4 changes and improvements to the sexual assault pre-
5 vention and response program.

6 (c) RELATION TO SEXUAL ASSAULT PREVENTION
7 AND RESPONSE OFFICE.—The Sexual Assault Advisory
8 Board is not intended to replace the organic capabilities
9 that must reside in the Sexual Assault Prevention and Re-
10 sponse Office, but to ensure that best practices from both
11 the civilian and military community perspective are incor-
12 porated into the design, development, and performance of
13 the sexual assault prevention and response program.

14 (d) ORGANIZATION AND MEMBERSHIP.—The Sexual
15 Assault Advisory Board shall be chaired by the Undersec-
16 retary of Defense for Personnel and Readiness. The Sex-
17 ual Assault Advisory Board shall include experts on crimi-
18 nal law and sexual assault prevention, response, and train-
19 ing who are not members of the Armed Forces or civilian
20 employees of the Department of Defense and include rep-
21 resentatives from other Federal agencies.

22 (e) FREQUENCY OF MEETINGS.—The Sexual Assault
23 Advisory Board shall meet not less frequently than bian-
24 nually.

1 **SEC. 1622. DEPARTMENT OF DEFENSE SEXUAL ASSAULT**
2 **ADVISORY COUNCIL.**

3 (a) REORGANIZATION.—Not later than one year after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall reorganize the Sexual Assault Advisory
6 Council and limit membership on the Sexual Assault Advi-
7 sory Council to Department of Defense personnel.

8 (b) PURPOSE.—The purpose of the Sexual Assault
9 Advisory Council is—

10 (1) to oversee the Department's overall sexual
11 assault prevention and response Program and its
12 comprehensive prevention strategy;

13 (2) to ensure accountability of the sexual as-
14 sult prevention and response program of each
15 Armed Force;

16 (3) to make recommendations regarding
17 changes and improvements to the sexual assault pre-
18 vention and response program; and

19 (4) to identify cross-cutting issues and solutions
20 in the area of sexual assault.

21 (c) ORGANIZATION AND MEMBERSHIP.—The Sexual
22 Assault Advisory Council shall be chaired by the Deputy
23 Secretary of Defense or the designee of the Deputy Sec-
24 retary. Members shall include, at a minimum, the fol-
25 lowing:

1 (1) Principals or deputies from every office
2 within the Office of the Secretary of Defense with
3 responsibilities involving the sexual assault preven-
4 tion and response program.

5 (2) The Assistant Secretary of each of the mili-
6 tary departments with responsibility for the sexual
7 assault prevention and response program.

8 (3) The Vice Chief of Staff of the Army, the
9 Vice Chief of Naval Operations, the Vice Chief of
10 Staff of the Air Force, and the Assistant Com-
11 mandant of the Marine Corps.

12 (4) A general or flag officer from the staff of
13 each officer specified in paragraph (3) who has re-
14 sponsibility for the sexual assault prevention and re-
15 sponse program.

16 (5) A general officer from the National Guard
17 Bureau.

18 (d) FREQUENCY OF MEETINGS.—The Sexual Assault
19 Advisory Council shall meet not less frequently than once
20 each calendar-year quarter.

21 (e) SERVICE-LEVEL SEXUAL ASSAULT ADVISORY
22 COUNCILS.—The Secretary of a military department shall
23 establish a sexual assault advisory council, comparable to
24 the Sexual Assault Advisory Council required by sub-

1 section (a), for each Armed Force under the jurisdiction
2 of the Secretary.

3 **SEC. 1623. SERVICE-LEVEL SEXUAL ASSAULT REVIEW**
4 **BOARDS.**

5 (a) ESTABLISHMENT.—Not later than one year after
6 the date of the enactment of this Act, the Secretary of
7 a military department shall establish for each military in-
8 stallation or operational command under the jurisdiction
9 of the Secretary a multi-disciplinary group to serve as a
10 sexual assault review board.

11 (b) MEMBERSHIP.—The chair of a sexual assault re-
12 view board shall be the senior commander, senior deputy
13 commander, or chief of staff. Other members should in-
14 clude the Sexual Assault Response Coordinator, command
15 legal representative or staff judge advocate, command
16 chaplain, and representation of senior commanders or su-
17 pervisors from the Military Criminal Investigative Organi-
18 zations, military law enforcement, medical, alcohol and
19 substance abuse office, and the safety office.

20 (c) RESPONSIBILITIES.—A sexual assault review
21 board shall be responsible for, at a minimum, addressing
22 safety issues, developing prevention strategies, analyzing
23 response processes, community impact and overall trends,
24 and identifying training issues. These functions should be

1 flexible to accommodate the resources available at dif-
2 ferent installations and operational commands.

3 (d) FREQUENCY OF MEETINGS.—A sexual assault re-
4 view board shall meet not less frequently than once each
5 calendar-year quarter.

6 **SEC. 1624. RENEWED EMPHASIS ON ACQUISITION OF CEN-**
7 **TRALIZED DEPARTMENT OF DEFENSE SEX-**
8 **UAL ASSAULT DATABASE.**

9 (a) NEW DEADLINE FOR ACQUISITION.—Notwith-
10 standing subsection (c) of section 563 of the Duncan Hun-
11 ter National Defense Authorization Act for Fiscal Year
12 2009 (Public Law 110–417; 122 Stat. 4470), the Sec-
13 retary of Defense shall complete implementation of the
14 centralized sexual assault database required by subsection
15 (a) of such section not later than September 30, 2011.

16 (b) ACQUISITION PROCESS.—To meet the deadline
17 imposed by subsection (a), acquisition best practices asso-
18 ciated with successfully acquiring and deploying informa-
19 tion technology systems related to the database, such as
20 economically justifying the proposed system solution and
21 effectively developing and managing requirements, shall be
22 completed as soon as possible.

1 **Subtitle B—Sexual Assault Preven-**
2 **tion Strategy and Annual Re-**
3 **porting Requirement**

4 **SEC. 1631. COMPREHENSIVE DEPARTMENT OF DEFENSE**
5 **SEXUAL ASSAULT PREVENTION STRATEGY.**

6 (a) STRATEGY REQUIRED.—Not later than one year
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees a comprehensive strategy to reduce the number
10 of sexual assaults involving members of the Armed Forces,
11 whether members of the Armed Forces are the victim, al-
12 leged assailant, or both. All activities and programs of a
13 specific military department or Armed Force related to
14 preventing sexual assault must align with and support the
15 overall comprehensive strategy.

16 (b) COORDINATION WITH OTHER REQUIREMENTS.—
17 In developing the comprehensive strategy under subsection
18 (a), the Secretary of Defense shall incorporate and build
19 upon—

20 (1) the new requirements imposed by this sub-
21 title;

22 (2) the policies and procedure developed under
23 section 577 of the Ronald W. Reagan National De-
24 fense Authorization Act for Fiscal Year 2005 (Pub-
25 lic Law 108–375; 10 U.S.C. 113 note); and

1 (3) the prevention and response plan developed
2 under section 567(a) of the National Defense Au-
3 thorization Act for Fiscal Year 2010 (Public Law
4 111–84; 123 Stat. 2313).

5 (c) IMPLEMENTATION OF STRATEGY.—Not later
6 than 6 months after the submission of the comprehensive
7 strategy prepared under subsection (a), the Secretary of
8 Defense shall complete implementation of the comprehen-
9 sive strategy throughout the Department of Defense.

10 (d) SEXUAL ASSAULT PREVENTION EVALUATION
11 PLAN.—

12 (1) PLAN REQUIRED.—The Secretary of De-
13 fense shall develop and implement an evaluation
14 plan for assessing the effectiveness of the com-
15 prehensive strategy prepared under subsection (a)
16 its intended outcomes at the Department of Defense
17 and individual Armed Force levels.

18 (2) COMMANDER ROLE.—As a component of
19 the evaluation plan, the commander of each military
20 installation and the commander of each unified or
21 specified combatant command shall assess the ade-
22 quacy of measures undertaken at facilities under the
23 authority of the commander to ensure the safest and
24 most secure living and working environments with
25 regard to preventing sexual assault.

1 (3) SUBMISSION OF RESULTS.—The results of
2 assessments conducted under the evaluation plan
3 shall be included in the annual report required by
4 section 1632, beginning with the report required to
5 be submitted in calendar year 2012.

6 **SEC. 1632. ANNUAL REPORT ON SEXUAL ASSAULTS INVOLV-**
7 **ING MEMBERS OF THE ARMED FORCES AND**
8 **SEXUAL ASSAULT PREVENTION AND RE-**
9 **SPONSE PROGRAM.**

10 (a) ANNUAL REPORT ON SEXUAL ASSAULTS.—Not
11 later than January 15 of each year, the Secretary of each
12 military department shall submit to the Secretary of De-
13 fense a report on the sexual assaults involving members
14 of the Armed Forces under the jurisdiction of that Sec-
15 retary during the preceding year. In the case of the Sec-
16 retary of the Navy, separate reports shall be prepared for
17 the Navy and for the Marine Corps.

18 (b) CONTENTS.—The report of a Secretary of a mili-
19 tary department on an Armed Force under subsection (a)
20 shall contain the following:

21 (1) The number of sexual assaults committed
22 against members of the Armed Force that were re-
23 ported to military officials during the year covered
24 by the report, and the number of the cases so re-
25 ported that were founded.

1 (2) The number of sexual assaults committed
2 by members of the Armed Force that were reported
3 to military officials during the year covered by the
4 report, and the number of the cases so reported that
5 were founded. The information required by this
6 paragraph shall not be combined with the informa-
7 tion required by paragraph (1).

8 (3) A synopsis of each such founded case, orga-
9 nized by offense, and, for each such case, the dis-
10 ciplinary action taken in the case, including the type
11 of disciplinary or administrative sanction imposed, if
12 any.

13 (4) The policies, procedures, and processes im-
14 plemented by the Secretary concerned during the
15 year covered by the report in response to incidents
16 of sexual assault involving members of the Armed
17 Force concerned.

18 (5) The number of founded sexual assault cases
19 in which the victim is a deployed member of the
20 Armed Forces and the assailant is a foreign na-
21 tional, and the policies, procedures, and processes
22 implemented by the Secretary concerned to monitor
23 the investigative process and disposition of such
24 cases and to eliminate any gaps in investigating and
25 adjudicating such cases.

1 (6) A description of the implementation during
2 the year covered by the report of the tracking sys-
3 tem implemented pursuant to section 596(a) of the
4 National Defense Authorization Act for Fiscal Year
5 2006 (Public Law 109–163; 10 U.S.C. 113 note),
6 including information collected on cases during that
7 year in which care to a victim of rape or sexual as-
8 sault was hindered by the lack of availability of a
9 rape kit or other needed supplies or by the lack of
10 timely access to appropriate laboratory testing re-
11 sources.

12 (7) A description of the implementation during
13 the year covered by the report of the accessibility
14 plan implemented pursuant to section 596(b) of such
15 Act, including a description of the steps taken dur-
16 ing that year to provide that trained personnel, ap-
17 propriate supplies, and transportation resources are
18 accessible to deployed units in order to provide an
19 appropriate and timely response in any case of re-
20 ported sexual assault in a deployed unit.

21 (8) A description of the required supply inven-
22 tory, location, accessibility, and availability of sup-
23 plies, trained personnel, and transportation re-
24 sources needed, and in fact in place, in order to be
25 able to provide an appropriate and timely response

1 in any case of reported sexual assault in a deployed
2 unit.

3 (9) A plan for the actions that are to be taken
4 in the year following the year covered by such report
5 on reducing the number of sexual assaults involving
6 members of the Armed Forces concerned and im-
7 proving the response to sexual assaults involving
8 members of the Armed Forces concerned.

9 (10) The results of the most recent biennial
10 gender-relations survey of an adequate sample of
11 members to evaluate and improve the sexual assault
12 prevention and response program.

13 (c) VERIFICATION.—The Office of the Judge Advo-
14 cate General of an Armed Force (or, in the case of the
15 Marine Corps, the Office of the Staff Judge Advocate to
16 the Commandant of the Marine Corps) shall verify the ac-
17 curacy of the information required by paragraphs (1), (2),
18 (3), and (5) of subsection (b), including courts-martial
19 data.

20 (d) CONSISTENT DEFINITION OF FOUNDED.—Not
21 later than one year after the date of the enactment of this
22 Act, the Secretary of Defense shall establish a consistent
23 definition of “founded” for purposes of paragraphs (1),
24 (2), (3), and (5) of subsection (b) and require that mili-
25 tary criminal investigative organizations only provide syn-

1 opses for those cases for the preparation of reports under
2 this section.

3 (e) ASSESSMENT COMPONENT.—Each report under
4 subsection (a) shall include an assessment by the Sec-
5 retary concerned of the implementation during the pre-
6 ceding fiscal year of the sexual assault prevention and re-
7 sponse program in order to determine the effectiveness of
8 the program during such fiscal year in providing an appro-
9 priate response to sexual assaults involving members of
10 the Armed Forces.

11 (f) SUBMISSION TO CONGRESS.—The Secretary of
12 Defense shall submit to the Committees on Armed Serv-
13 ices of the Senate and House of Representatives each re-
14 port prepared under subsection (a), together with the com-
15 ments of the Secretary of Defense on the report. The Sec-
16 retary of Defense shall submit each such report not later
17 than March 15 of the year following the year covered by
18 the report.

19 (g) REPEAL OF SUPERSEDED REPORTING REQUIRE-
20 MENT.—Section 577 of the Ronald W. Reagan National
21 Defense Authorization Act for Fiscal Year 2005 (Public
22 Law 108–375; 10 U.S.C. 113 note) is amended by striking
23 subsection (f).

1 **Subtitle C—Amendments to Title**
2 **10**

3 **SEC. 1641. SEXUAL ASSAULT PREVENTION AND RESPONSE**
4 **OFFICE.**

5 (a) APPOINTMENT OF DIRECTOR; DUTIES.—Chapter
6 4 of title 10, United States Code, as amended by section
7 902, is amended by inserting after section 139 the fol-
8 lowing new section:

9 **“§ 139a. Director of Sexual Assault Prevention and**
10 **Response Office**

11 “(a) APPOINTMENT.—There is a Director of the Sex-
12 ual Assault Prevention and Response Office who shall be
13 a general or flag officer or an employee of the Department
14 of Defense in a comparable Senior Executive Service posi-
15 tion.

16 “(b) DUTIES.—The Director of the Sexual Assault
17 Prevention and Response Office serves as the single point
18 of authority, accountability, and oversight for the Depart-
19 ment of Defense sexual assault prevention and response
20 program and provides oversight to ensure that the military
21 departments comply with the program.

22 “(c) ROLE OF INSPECTORS GENERAL.—The Inspec-
23 tor General of the Department of Defense, the Inspector
24 General of the Army, the Naval Inspector General, and
25 the Inspector General of the Air Force shall include sexual

1 assault prevention and response programs within the
2 scope of their assessments. The Inspector General teams
3 shall include at least one member with expertise and
4 knowledge of sexual assault prevention and response poli-
5 cies related to a specific armed force.

6 “(d) DEFINITIONS.—In this section:

7 “(1) The term ‘armed forces’ means the Army,
8 Navy, Air Force, and Marine Corps.

9 “(2) The term ‘sexual assault prevention and
10 response program’ refers to Department of Defense
11 policies and programs, including policies and pro-
12 grams of a specific military department or the that
13 are intended to reduce the number of sexual assaults
14 involving members of the armed forces and improve
15 the response of the department to reports of sexual
16 assaults involving members of the armed forces,
17 whether members of the armed forces are the victim,
18 alleged assailant, or both.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 139 the following new
22 item:

“139a. Director of Sexual Assault Prevention and Response Office.”.

1 **SEC. 1642. SEXUAL ASSAULT RESPONSE COORDINATORS**
2 **AND SEXUAL ASSAULT VICTIM ADVOCATES.**

3 (a) ASSIGNMENT AND TRAINING.—Chapter 80 of
4 title 10, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 1568. Sexual assault prevention and response: Sex-**
7 **ual Assault Response Coordinators and**
8 **Victim Advocates**

9 “(a) ASSIGNMENT OF COORDINATORS.—(1) At least
10 one full-time Sexual Assault Response Coordinator shall
11 be assigned to each brigade or equivalent or higher unit
12 level of the armed forces. The Secretary of the military
13 department concerned may assign additional Sexual As-
14 sault Response Coordinators as necessary based on the de-
15 mographics or needs of the unit. The additional Sexual
16 Assault Response Coordinator may serve on a full-time or
17 part-time basis at the discretion of the Secretary.

18 “(2) Effective October 1, 2013, only members of the
19 armed forces and civilian employees of the Department of
20 Defense may be assigned to duty as a Sexual Assault Re-
21 sponse Coordinator. After that date, contractor employees
22 may serve as a Sexual Assault Response Coordinator only
23 on a temporary basis, as determined by the Secretary of
24 Defense.

25 “(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At
26 least one full-time Sexual Assault Victim Advocate shall

1 be assigned to each brigade or equivalent or higher unit
2 level of the armed forces. The Secretary of the military
3 department concerned may assign additional Victim Advocates
4 as necessary based on the demographics or needs
5 of the unit. The additional Victim Advocates may serve
6 on a full-time or part-time basis at the discretion of the
7 Secretary.

8 “(2) Only members of the armed forces and civilian
9 employees of the Department of Defense may be assigned
10 to duty as a Victim Advocate. Contractor employees may
11 serve as a Victim Advocate only on a temporary basis, as
12 determined by the Secretary of Defense.

13 “(c) DEPLOYABLE COORDINATORS AND VICTIM ADVOCATES.—(1) The Secretary of a military department
14 shall assign members of the armed forces under the jurisdiction
15 of the Secretary to serve as a deployable Sexual Assault Response
16 Coordinator or Sexual Assault Victim Advocate when a Sexual Assault Response Coordinator assigned
17 to a unit under subsection (a) or a Sexual Assault Victim Advocate assigned to a unit under subsection (b)
18 is not deployed with the unit.

19 “(2) A deployable Sexual Assault Response Coordinator or deployable Sexual Assault Victim Advocate may
20 serve on a full-time or part-time basis at the discretion
21 of the Secretary.

1 “(d) TRAINING AND CERTIFICATION.—(1) As part of
2 the sexual assault prevention and response program, the
3 Secretary of Defense shall establish a professional and
4 uniform training and certification program for Sexual As-
5 sault Response Coordinators assigned under subsection
6 (a) and Sexual Assault Victim Advocates assigned under
7 subsection (b). The program shall be structured and ad-
8 ministered in a manner similar to the professional training
9 available for Equal Opportunity Advisors through the De-
10 fense Equal Opportunity Management Institute.

11 “(2) Effective beginning one year after the date of
12 the enactment of this section, before a member or civilian
13 employee may be assigned to duty as a Sexual Assault
14 Response Coordinator under subsection (a), the member
15 or employee must have completed the training program
16 required by paragraph (1) and obtained the certification.

17 “(3) A member or civilian employee assigned to duty
18 as a Victim Advocate under subsection (b) may obtain cer-
19 tification under the training program required by para-
20 graph (1). At a minimum, the Sexual Assault Response
21 Coordinator to whom a Victim Advocate reports shall train
22 the Victim Advocate using the same training materials
23 used to train the Sexual Assault Response Coordinator
24 under the program.

1 “(4) Deployable Sexual Assault Response Coordina-
2 tors and deployable Sexual Assault Victim Advocates shall
3 receive training from a designated Sexual Assault Re-
4 sponse Coordinator or Sexual Assault Victim Advocate on
5 their specific roles and responsibilities before assuming
6 such responsibilities.

7 “(e) ACCESS TO COMMANDERS AND UNITS.—(1) The
8 Secretaries of the military departments shall ensure that
9 a Sexual Assault Response Coordinator, including a
10 deployable Sexual Assault Response Coordinator assigned
11 under subsection (c), has direct access to senior com-
12 manders and any other commander within the unit or geo-
13 graphical area of responsibility of the Sexual Assault Re-
14 sponse Coordinator.

15 “(2) A Sexual Assault Response Coordinator may
16 work with supporting medical staff, mental health staff,
17 and chaplains to offer unit counseling options for com-
18 manders of units in which a sexual assault involving a
19 member of the armed forces occurs.

20 “(f) SEXUAL ASSAULT RESPONSE TEAMS RESPON-
21 SIBLE FOR OVERSEEING UNRESTRICTED REPORTED
22 CASES.—

23 “(1) RESPONSE TEAM PROTOCOL.—Not later
24 than one year after the date of the enactment of this
25 section, the Secretary of Defense shall develop and

1 implement a protocol for the establishment and use
2 of sexual assault response teams throughout the De-
3 partment of Defense.

4 “(2) EMERGENCY RESPONSE.—A sexual assault
5 response team shall be led by a Sexual Assault Re-
6 sponse Coordinator and convene as soon as prac-
7 ticable after a reported sexual assault involving a
8 member of the armed forces.

9 “(3) OTHER ELEMENTS.—At a minimum, the
10 protocol for sexual assault response teams shall also
11 provide for—

12 “(A) in addition to meetings required by
13 paragraph (2), monthly meetings to review indi-
14 vidual cases, facilitate timely victim updates,
15 and ensure system coordination, accountability
16 (to include tracking case adjudication), and vic-
17 tim access to quality services; and

18 “(B) depending on the resources available
19 at different locations, membership drawn from
20 the relevant military criminal investigator, med-
21 ical personnel, chaplain, trial counsel, and Sex-
22 ual Assault Victim Advocate.

23 “(4) COMMAND INVOLVEMENT.—Within the
24 first 3 months of assuming a command, the com-
25 mander shall attend a meeting of their command’s

1 sexual assault response team occurring after the
2 commander's assumption of command. The Sec-
3 retary of Defense shall provide for the inclusion of
4 a sexual assault prevention and response training
5 module as part of commanders pre-command
6 courses.

7 “(g) PROHIBITION ON USE OF INSPECTOR GENERAL
8 PERSONNEL.—Personnel of the Inspector General of the
9 Department of Defense, the Inspector General of the
10 Army, the Naval Inspector General, and the Inspector
11 General of the Air Force may not perform Sexual Assault
12 Response Coordinator duties.

13 “(h) DEFINITIONS.—In this section:

14 “(1) The term ‘armed forces’ means the Army,
15 Navy, Air Force, and Marine Corps.

16 “(2) The term ‘sexual assault prevention and
17 response program’ refers to Department of Defense
18 policies and programs, including policies and pro-
19 grams of a specific military department or the that
20 are intended to reduce the number of sexual assaults
21 involving members of the armed forces and improve
22 the response of the department to reports of sexual
23 assaults involving members of the armed forces,
24 whether members of the armed forces are the victim,
25 alleged assailant, or both.”.

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

“1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates.”.

4 **SEC. 1643. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL**
 5 **COUNSEL AND VICTIM ADVOCATE SERVICES.**

6 (a) ACCESS.—Chapter 53 of title 10, United States
 7 Code, is amended by inserting after section 1044d the fol-
 8 lowing new section:

9 **“§ 1044e. Access to legal assistance and Victim Advo-**
 10 **cate services for victims of sexual assault**

11 **“(a) AVAILABILITY OF LEGAL ASSISTANCE AND VIC-**
 12 **TIM ADVOCATE SERVICES.—**

13 **“(1) MEMBERS.—**A member of the armed
 14 forces or a dependent of a member of the armed
 15 forces who is the victim of a sexual assault is enti-
 16 tled to—

17 **“(A)** legal assistance provided by a mili-
 18 tary legal assistance counsel certified as com-
 19 petent to provide such duties pursuant to sec-
 20 tion 827(b) of this title (article 27(b) of the
 21 Uniform Code of Military Justice); and

22 **“(B)** assistance provided by a qualified
 23 Sexual Assault Victim Advocate.

1 “(2) DEPENDENTS.—To the extent practicable,
2 the Secretary of a military department shall make
3 the assistance described in paragraph (1) available
4 to dependent of a member of the armed forces who
5 is the victim of a sexual assault and resides on or
6 in the vicinity of a military installation. The Sec-
7 retary concerned shall define the term ‘vicinity’ for
8 purposes of this paragraph.

9 “(3) NOTICE OF AVAILABILITY OF ASSISTANCE;
10 OPT OUT.—The member or dependent shall be in-
11 formed of the availability of assistance under this
12 subsection as soon as the member or dependent
13 seeks assistance from a Sexual Assault Response Co-
14 ordinator or any other responsible member of the
15 armed forces or Department of Defense civilian em-
16 ployee. The victim shall also be informed that the
17 legal assistance and services of a Sexual Assault Re-
18 sponse Coordinator and Sexual Assault Victim Advoc-
19 ate are optional and these services may be declined,
20 in whole or in part, at any time.

21 “(4) NATURE OF REPORTING IMMATERIAL.—In
22 the case of a member of the armed forces, access to
23 legal assistance and Victim Advocate services is
24 available regardless of whether the member elects

1 unrestricted or restricted (confidential) reporting of
2 the sexual assault.

3 “(5) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to establish an at-
5 torney-client relationship.

6 “(b) RESTRICTED REPORTING OPTION.—

7 “(1) AVAILABILITY OF RESTRICTED REPORT-
8 ING.—A member of the armed forces who is the vic-
9 tim of a sexual assault may confidentially disclose
10 the details of the assault to an individual specified
11 in paragraph (2) and receive medical treatment,
12 legal assistance, or counseling, without triggering an
13 official investigation of the allegations.

14 “(2) PERSONS COVERED BY RESTRICTED RE-
15 PORTING.—Individuals covered by paragraph (1) are
16 the following:

17 “(A) Military legal assistance counsel.

18 “(B) Sexual Assault Response Coordi-
19 nator.

20 “(C) Sexual Assault Victim Advocate.

21 “(D) Healthcare personnel.

22 “(E) Chaplain.

23 “(3) IMPORTANCE OF CONTACTING SEXUAL AS-
24 SAULT RESPONSE COORDINATOR.—The Secretary of
25 Defense shall ensure that all sexual assault preven-

1 tion and response training emphasizes the impor-
2 tance of immediately contacting a Sexual Assault
3 Response Coordinator after a sexual assault to en-
4 sure that the victim preserves the restricted report-
5 ing option and receives guidance on available serv-
6 ices and victim care. A member’s responsibility to
7 report a sexual assault is satisfied by informing the
8 Sexual Assault Response Coordinator, in addition to
9 or in lieu of informing the member’s commander or
10 military law enforcement.

11 “(c) CLARIFICATION OF VICTIM OPTION TO PARTICI-
12 PATE IN INVESTIGATION.—The Secretary of Defense shall
13 implement a Sexual Assault Response Coordinator-led
14 process by which a member or dependent referred to in
15 subsection (a) may decline to participate in the investiga-
16 tion of the sexual assault. The member or dependent, after
17 consultation with a Sexual Assault Victim Advocate or
18 Sexual Assault Response Coordinator, or both, may com-
19 plete a form indicating a preference not to participate fur-
20 ther in the investigative process.

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘sexual assault’ includes any of
23 the offenses covered by section 920 of this title (arti-
24 cle 120).

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

3 “(b) DISSEMINATION OF RESULTS TO COMMAND IN
4 CERTAIN CASES.—In the case of an alleged sexual assault
5 or other offense covered by section 920 of this title (article
6 120), the trial counsel shall notify the servicing staff judge
7 advocate at the military installation, who shall notify the
8 convening authority and commanders, as appropriate. In
9 consultation with the servicing staff judge advocate, the
10 commanding officer shall notify members of the command
11 of the outcome of the case.”.

12 **SEC. 1645. COPY OF RECORD OF COURT-MARTIAL TO VIC-**
13 **TIM OF SEXUAL ASSAULT INVOLVING A MEM-**
14 **BER OF THE ARMED FORCES.**

15 Section 854 of title 10, United States Code (article
16 54 of the Uniform Code of Military Justice), is amended
17 by adding at the end the following new subsection:

18 “(e) In the case of a general or special court-martial
19 involving a sexual assault or other offense covered by sec-
20 tion 920 of this title (article 120), a copy of the prepared
21 record of the proceedings of the court-martial shall be
22 given to the victim of the offence if the victim testified
23 during the proceedings. The record of the proceedings
24 shall be provided without charge and as soon as the record

1 is authenticated. The victim shall be notified of the oppor-
2 tunity to receive the record of the proceedings.”.

3 **SEC. 1646. MEDICAL CARE FOR VICTIMS OF SEXUAL AS-**
4 **SAULT.**

5 (a) **MEDICAL CARE AND RECORDS.**—Chapter 55 of
6 title 10, United States Code, is amended by inserting after
7 section 1074l the following new section:

8 **“§ 1074m. Medical care for members who are victims**
9 **of sexual assault**

10 “(a) **MEDICAL CARE.**—(1) The Secretary of Defense
11 shall establish protocols for providing medical care to a
12 member of the armed forces who is a victim of a sexual
13 assault, including protocols with respect to the appropriate
14 screening, prevention, and mitigation of diseases.

15 “(2) In establishing the protocols under paragraph
16 (1), the Secretary shall take into consideration the sex of
17 the member of the armed forces.

18 “(b) **MEDICAL RECORDS.**—The Secretary shall en-
19 sure that—

20 “(1) an accurate and complete medical record is
21 made for each member of the armed forces who is
22 a victim of a sexual assault with respect to the phys-
23 ical and mental condition of the member resulting
24 from the assault; and

1 “(2) such record complies with the requirement
2 for confidentiality in making a restricted report
3 under section 1044e(b) of this title.

4 “(c) RESTRICTED REPORTING.—Nothing in this sec-
5 tion shall be construed as affecting the right of a member
6 of the armed forces to make a restricted report under sec-
7 tion 1044e(b) of this title.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 1074l the following new
11 item:

 “1074m. Medical care for members who are victims of sexual assault.”.

12 **SEC. 1647. PRIVILEGE AGAINST DISCLOSURE OF CERTAIN**
13 **COMMUNICATIONS WITH SEXUAL ASSAULT**
14 **VICTIM ADVOCATES.**

15 (a) PRIVILEGE ESTABLISHED.—

16 (1) IN GENERAL.—Chapter 53 of title 10,
17 United States Code is amended by inserting after
18 section 1034a the following new section:

19 **“§ 1034b. Privilege against disclosure of certain com-**
20 **munications with Sexual Assault Victim**
21 **Advocates**

22 “A confidential communication between the victim of
23 a sexual assault or other offense covered by section 920
24 of this title (article 120 of the Uniform Code of Military
25 Justice) and a Sexual Assault Victim Advocate assigned

1 under section 1568 of this title, including a deployable
2 Sexual Assault Victim Advocate, shall be treated in the
3 same manner as a confidential communication between a
4 patient and a psychiatrist for purposes of any privilege
5 which may attach to such a communication.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by inserting after the item relating to section 1034a
9 the following new item:

“1034b. Privilege against disclosure of certain communications with Sexual As-
sault Victim Advocates.”.

10 (b) APPLICABILITY.—Section 1034b of title 10,
11 United States Code, as added by subsection (a), applies
12 to communications described in such section whether made
13 before, on, or after the date of the enactment of this Act.

14 **SEC. 1648. EXPEDITED CONSIDERATION AND PRIORITY FOR**
15 **APPLICATION FOR CONSIDERATION OF A**
16 **PERMANENT CHANGE OF STATION OR UNIT**
17 **TRANSFER BASED ON HUMANITARIAN CONDI-**
18 **TIONS FOR VICTIM OF SEXUAL ASSAULT.**

19 (a) IN GENERAL.—Chapter 39 of title 10, United
20 States Code, is amended by inserting after section 672 the
21 following new section:

1 **“§ 673. Consideration of application for permanent**
2 **change of station or unit transfer for**
3 **members on active duty who are the vic-**
4 **tim of a sexual assault**

5 “(a) EXPEDITED CONSIDERATION AND PRIORITY
6 FOR APPROVAL.—To the maximum extent practicable, the
7 Secretary concerned shall provide for the expedited consid-
8 eration and approval of an application for consideration
9 of a permanent change of station or unit transfer sub-
10 mitted by a member of the armed forces serving on active
11 duty who was a victim of a sexual assault or other offense
12 covered by section 920 of this title (article 120) so as to
13 reduce the possibility of retaliation against the member
14 for reporting the sexual assault.

15 “(b) REGULATIONS.— The Secretaries of the military
16 departments shall issue regulations to carry out this sec-
17 tion, within guidelines provided by the Secretary of De-
18 fense.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 672 the following new
22 item:

“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.”.

1 **Subtitle D—Other Matters**

2 **SEC. 1661. RECRUITER SELECTION AND OVERSIGHT.**

3 (a) SCREENING, TRAINING, AND OVERSIGHT OF RE-
4 CRUITERS.—The Secretaries of the military departments
5 shall ensure effective recruiter selection and oversight with
6 regard to sexual assault prevention and response by ensur-
7 ing that—

8 (1) recruiters are screened and trained under
9 the sexual assault prevention and response program;

10 (2) sexual assault prevention and response pro-
11 gram information is disseminated to recruiters and
12 potential recruits for the Armed Forces; and

13 (3) oversight is in place to preclude the poten-
14 tial for sexual misconduct by recruiters.

15 (b) IMPROVED AWARENESS OF RECRUITS.—Com-
16 manders of recruiting organizations and Military Entrance
17 Processing Stations shall ensure that sexual assault pre-
18 vention and response awareness campaign materials are
19 available and posted in locations visible to potential and
20 actual recruits for the Armed Forces.

1 **SEC. 1662. AVAILABILITY OF SERVICES UNDER SEXUAL AS-**
2 **SAULT PREVENTION AND RESPONSE PRO-**
3 **GRAM FOR DEPENDENTS OF MEMBERS, MILI-**
4 **TARY RETIREES, DEPARTMENT OF DEFENSE**
5 **CIVILIAN EMPLOYEES, AND DEFENSE CON-**
6 **TRACTOR EMPLOYEES.**

7 (a) NOTIFICATION OF EXTENT OF CURRENT SERV-
8 ICES.—Not later than 90 days after the date of the enact-
9 ment of this Act, the Secretary of Defense shall revise ma-
10 terials made available under the sexual assault prevention
11 and response program to include information on the extent
12 to which dependents of members of the Armed Forces, re-
13 tired members, Department of Defense civilian employees,
14 and employees of defense contractors are eligible for sex-
15 ual assault prevention and response services under the
16 sexual assault prevention and response program.

17 (b) REPORT REQUIRED.—Not later than one year
18 after the date of the enactment of this Act, the Secretary
19 of Defense shall submit to the congressional defense com-
20 mittees a report on the feasibility of extending all sexual
21 assault prevention and response services available for a
22 member of the Armed Forces who is the victim of a sexual
23 assault to persons referred to in subsection (a).

1 **SEC. 1663. APPLICATION OF SEXUAL ASSAULT PREVENTION**
2 **AND RESPONSE PROGRAM IN TRAINING EN-**
3 **VIRONMENTS.**

4 The Secretaries of the military departments shall en-
5 sure that a member of the Armed Forces who is a victim
6 of a sexual assault in a training environment is provided,
7 to the maximum extent possible, with confidential access
8 to victim support services and afforded time for recovery.
9 The member should not be required to repeat training un-
10 less the time needed for support services and recovery sig-
11 nificantly interferes with the progress of the member's
12 training.

13 **SEC. 1664. APPLICATION OF SEXUAL ASSAULT PREVENTION**
14 **AND RESPONSE PROGRAM IN REMOTE ENVI-**
15 **RONMENTS AND JOINT BASING SITUATIONS.**

16 (a) REMOTE AND DEPLOYED ENVIRONMENTS.—The
17 Secretary of Defense and the combatant commanders shall
18 ensure that the sexual assault prevention and response
19 program continues to operate even in remote environments
20 in which members of the Armed Forces are deployed, in-
21 cluding coalition operations.

22 (b) JOINT BASING.—The Secretary of Defense shall
23 monitor the implementation of the sexual assault preven-
24 tion and response program and military justice and juris-
25 diction issues at joint basing locations. Elements of the
26 Armed Forces sharing a joint base location shall closely

1 collaborate on sexual assault prevention and response
2 issues to ensure consistency in approach and messages at
3 the joint base location.

4 **TITLE XVII—FEDERAL**
5 **INFORMATION SECURITY**
6 **Subtitle A—Federal Information**
7 **Security Amendments**

8 **SEC. 1701. COORDINATION OF FEDERAL INFORMATION**
9 **POLICY.**

10 Chapter 35 of title 44, United States Code, is amend-
11 ed by striking subchapters II and III and inserting the
12 following:

13 “SUBCHAPTER II—INFORMATION SECURITY

14 “**§ 3551. Purposes**

15 “The purposes of this subchapter are to—

16 “(1) provide a comprehensive framework for en-
17 suring the effectiveness of information security con-
18 trols over information resources that support Fed-
19 eral operations and assets;

20 “(2) recognize the highly networked nature of
21 the current Federal computing environment and pro-
22 vide effective Governmentwide management and
23 oversight of the related information security risks,
24 including coordination of information security efforts

1 throughout the civilian, national security, and law
2 enforcement communities;

3 “(3) provide for development and maintenance
4 of minimum controls required to protect Federal in-
5 formation and information infrastructure;

6 “(4) provide a mechanism for improved over-
7 sight of Federal agency information security pro-
8 grams;

9 “(5) acknowledge that commercially developed
10 information security products offer advanced, dy-
11 namic, robust, and effective information security so-
12 lutions, reflecting market solutions for the protection
13 of critical information infrastructures important to
14 the national defense and economic security of the
15 Nation that are designed, built, and operated by the
16 private sector; and

17 “(6) recognize that the selection of specific
18 technical hardware and software information secu-
19 rity solutions should be left to individual agencies
20 from among commercially developed products.

21 **“§ 3552. Definitions**

22 “(a) SECTION 3502 DEFINITIONS.—Except as pro-
23 vided under subsection (b), the definitions under section
24 3502 shall apply to this subchapter.

25 “(b) ADDITIONAL DEFINITIONS.—In this subchapter:

1 “(1) The term ‘adequate security’ means secu-
2 rity that complies with the regulations promulgated
3 under section 3554 and the standards promulgated
4 under section 3558.

5 “(2) The term ‘incident’ means an occurrence
6 that actually or potentially jeopardizes the confiden-
7 tiality, integrity, or availability of an information
8 system, information infrastructure, or the informa-
9 tion the system processes, stores, or transmits or
10 that constitutes a violation or imminent threat of
11 violation of security policies, security procedures, or
12 acceptable use policies.

13 “(3) The term ‘information infrastructure’
14 means the underlying framework that information
15 systems and assets rely on in processing, storing, or
16 transmitting information electronically.

17 “(4) The term ‘information security’ means
18 protecting information and information infrastruc-
19 ture from unauthorized access, use, disclosure, dis-
20 ruption, modification, or destruction in order to pro-
21 vide—

22 “(A) integrity, which means guarding
23 against improper information modification or
24 destruction, and includes ensuring information
25 nonrepudiation and authenticity;

1 “(B) confidentiality, which means pre-
2 serving authorized restrictions on access and
3 disclosure, including means for protecting per-
4 sonal privacy and proprietary information;

5 “(C) availability, which means ensuring
6 timely and reliable access to and use of infor-
7 mation; and

8 “(D) authentication, which means using
9 digital credentials to assure the identity of
10 users and validate access of such users.

11 “(5) The term ‘information technology’ has the
12 meaning given that term in section 11101 of title
13 40.

14 “(6)(A) The term ‘national security system’
15 means any information infrastructure (including any
16 telecommunications system) used or operated by an
17 agency or by a contractor of an agency, or other or-
18 ganization on behalf of an agency—

19 “(i) the function, operation, or use of
20 which—

21 “(I) involves intelligence activities;

22 “(II) involves cryptologic activities re-
23 lated to national security;

24 “(III) involves command and control
25 of military forces;

1 “(IV) involves equipment that is an
2 integral part of a weapon or weapons sys-
3 tem; or

4 “(V) subject to subparagraph (B), is
5 critical to the direct fulfillment of military
6 or intelligence missions; or

7 “(ii) is protected at all times by procedures
8 established for information that have been spe-
9 cifically authorized under criteria established by
10 an Executive order or an Act of Congress to be
11 kept classified in the interest of national de-
12 fense or foreign policy.

13 “(B) Subparagraph (A)(i)(V) does not include a
14 system that is to be used for routine administrative
15 and business applications (including payroll, finance,
16 logistics, and personnel management applications).

17 **“§ 3553. National Office for Cyberspace**

18 “(a) ESTABLISHMENT.—There is established within
19 the Executive Office of the President an office to be known
20 as the National Office for Cyberspace.

21 “(b) DIRECTOR.—

22 “(1) IN GENERAL.—There shall be at the head
23 of the Office a Director, who shall be appointed by
24 the President by and with the advice and consent of
25 the Senate. The Director of the National Office for

1 Cyberspace shall administer all functions under this
2 subchapter and collaborate to the extent practicable
3 with the heads of appropriate agencies, the private
4 sector, and international partners. The Office shall
5 serve as the principal office for coordinating issues
6 relating to achieving an assured, reliable, secure,
7 and survivable information infrastructure and re-
8 lated capabilities for the Federal Government.

9 “(2) BASIC PAY.—The Director shall be paid at
10 the rate of basic pay for level III of the Executive
11 Schedule.

12 “(c) STAFF.—The Director may appoint and fix the
13 pay of additional personnel as the Director considers ap-
14 propriate.

15 “(d) EXPERTS AND CONSULTANTS.—The Director
16 may procure temporary and intermittent services under
17 section 3109(b) of title 5.

18 **“§ 3554. Federal Cybersecurity Practice Board**

19 “(a) ESTABLISHMENT.—Within the National Office
20 for Cyberspace, there shall be established a board to be
21 known as the ‘Federal Cybersecurity Practice Board’ (in
22 this section referred to as the ‘Board’).

23 “(b) MEMBERS.—The Board shall be chaired by the
24 Director of the National Office for Cyberspace and consist

1 of not more than 10 members, with at least one represent-
2 ative from—

3 “(1) the Office of Management and Budget;

4 “(2) civilian agencies;

5 “(3) the Department of Defense;

6 “(4) the Federal law enforcement community;

7 “(5) the Federal Chief Technology Office; and

8 “(6) such additional military and civilian agen-
9 cies as the Director considers appropriate.

10 “(c) RESPONSIBILITIES.—

11 “(1) DEVELOPMENT OF POLICIES AND PROCE-
12 DURES.—Subject to the authority, direction, and
13 control of the Director of the National Office for
14 Cyberspace, the Board shall be responsible for devel-
15 oping and periodically updating information security
16 policies and procedures relating to the matters de-
17 scribed in paragraph (2). In developing such policies
18 and procedures, the Board shall require that all
19 matters addressed in the policies and procedures are
20 consistent, to the maximum extent practicable and
21 in accordance with applicable law, among the civil-
22 ian, military, intelligence, and law enforcement com-
23 munities.

24 “(2) SPECIFIC MATTERS COVERED IN POLICIES
25 AND PROCEDURES.—

1 “(A) MINIMUM SECURITY CONTROLS.—
2 The Board shall be responsible for developing
3 and periodically updating information security
4 policies and procedures relating to minimum se-
5 curity controls for information technology, in
6 order to—

7 “(i) provide Governmentwide protec-
8 tion of Government-networked computers
9 against common attacks; and

10 “(ii) provide agencywide protection
11 against threats, vulnerabilities, and other
12 risks to the information infrastructure
13 within individual agencies.

14 “(B) MEASURES OF EFFECTIVENESS.—
15 The Board shall be responsible for developing
16 and periodically updating information security
17 policies and procedures relating to measure-
18 ments needed to assess the effectiveness of the
19 minimum security controls referred to in sub-
20 paragraph (A). Such measurements shall in-
21 clude a risk scoring system to evaluate risk to
22 information security both Governmentwide and
23 within contractors of the Federal Government.

24 “(C) PRODUCTS AND SERVICES.—The
25 Board shall be responsible for developing and

1 periodically updating information security poli-
2 cies, procedures, and minimum security stand-
3 ards relating to criteria for products and serv-
4 ices to be used in agency information systems
5 and information infrastructure that will meet
6 the minimum security controls referred to in
7 subparagraph (A). In carrying out this subpara-
8 graph, the Board shall act in consultation with
9 the Office of Management and Budget and the
10 General Services Administration.

11 “(D) REMEDIES.—The Board shall be re-
12 sponsible for developing and periodically updat-
13 ing information security policies and procedures
14 relating to methods for providing remedies for
15 security deficiencies identified in agency infor-
16 mation infrastructure.

17 “(3) ADDITIONAL CONSIDERATIONS.—The
18 Board shall also consider—

19 “(A) opportunities to engage with the
20 international community to set policies, prin-
21 ciples, training, standards, or guidelines for in-
22 formation security;

23 “(B) opportunities to work with agencies
24 and industry partners to increase information
25 sharing and policy coordination efforts in order

1 to reduce vulnerabilities in the national infor-
2 mation infrastructure; and

3 “(C) options necessary to encourage and
4 maintain accountability of any agency, or senior
5 agency official, for efforts to secure the infor-
6 mation infrastructure of such agency.

7 “(4) RELATIONSHIP TO OTHER STANDARDS.—
8 The policies and procedures developed under para-
9 graph (1) are supplemental to the standards promul-
10 gated by the Director of the National Office for
11 Cyberspace under section 3558.

12 “(5) RECOMMENDATIONS FOR REGULATIONS.—
13 The Board shall be responsible for making rec-
14 ommendations to the Director of the National Office
15 for Cyberspace on regulations to carry out the poli-
16 cies and procedures developed by the Board under
17 paragraph (1).

18 “(d) REGULATIONS.—The Director of the National
19 Office for Cyberspace, in consultation with the Director
20 of the Office of Management and the Administrator of
21 General Services, shall promulgate and periodically update
22 regulations to carry out the policies and procedures devel-
23 oped by the Board under subsection (c).

24 “(e) ANNUAL REPORT.—The Director of the Na-
25 tional Office for Cyberspace shall provide to Congress a

1 report containing a summary of agency progress in imple-
2 menting the regulations promulgated under this section as
3 part of the annual report to Congress required under sec-
4 tion 3555(a)(8).

5 “(f) NO DISCLOSURE BY BOARD REQUIRED.—The
6 Board is not required to disclose under section 552 of title
7 5 information submitted by agencies to the Board regard-
8 ing threats, vulnerabilities, and risks.

9 **“§ 3555. Authority and functions of the Director of**
10 **the National Office for Cyberspace**

11 “(a) IN GENERAL.—The Director of the National Of-
12 fice for Cyberspace shall oversee agency information secu-
13 rity policies and practices, including—

14 “(1) developing and overseeing the implementa-
15 tion of policies, principles, standards, and guidelines
16 on information security, including through ensuring
17 timely agency adoption of and compliance with
18 standards promulgated under section 3558;

19 “(2) requiring agencies, consistent with the
20 standards promulgated under section 3558 and
21 other requirements of this subchapter, to identify
22 and provide information security protections com-
23 mensurate with the risk and magnitude of the harm
24 resulting from the unauthorized access, use, disclo-
25 sure, disruption, modification, or destruction of—

1 “(A) information collected or maintained
2 by or on behalf of an agency; or

3 “(B) information infrastructure used or
4 operated by an agency or by a contractor of an
5 agency or other organization on behalf of an
6 agency;

7 “(3) coordinating the development of standards
8 and guidelines under section 20 of the National In-
9 stitute of Standards and Technology Act (15 U.S.C.
10 278g-3) with agencies and offices operating or exer-
11 cising control of national security systems (including
12 the National Security Agency) to assure, to the max-
13 imum extent feasible, that such standards and
14 guidelines are complementary with standards and
15 guidelines developed for national security systems;

16 “(4) overseeing agency compliance with the re-
17 quirements of this subchapter, including through
18 any authorized action under section 11303 of title
19 40, to enforce accountability for compliance with
20 such requirements;

21 “(5) reviewing at least annually, and approving
22 or disapproving, agency information security pro-
23 grams required under section 3556(b);

1 “(6) coordinating information security policies
2 and procedures with related information resources
3 management policies and procedures;

4 “(7) overseeing the operation of the Federal in-
5 formation security incident center required under
6 section 3559;

7 “(8) reporting to Congress no later than March
8 1 of each year on agency compliance with the re-
9 quirements of this subchapter, including—

10 “(A) a summary of the findings of audits
11 required by section 3557;

12 “(B) an assessment of the development,
13 promulgation, and adoption of, and compliance
14 with, standards developed under section 20 of
15 the National Institute of Standards and Tech-
16 nology Act (15 U.S.C. 278g–3) and promul-
17 gated under section 3558;

18 “(C) significant deficiencies in agency in-
19 formation security practices;

20 “(D) planned remedial action to address
21 such deficiencies; and

22 “(E) a summary of, and the views of the
23 Director of the National Office for Cyberspace
24 on, the report prepared by the National Insti-
25 tute of Standards and Technology under section

1 20(d)(10) of the National Institute of Stand-
2 ards and Technology Act (15 U.S.C. 278g-3);

3 “(9) coordinating the defense of information in-
4 frastructure operated by agencies in the case of a
5 large-scale attack on information infrastructure, as
6 determined by the Director;

7 “(10) establishing a national strategy, in con-
8 sultation with the Department of State, the United
9 States Trade Representative, and the National Insti-
10 tute of Standards and Technology, to engage with
11 the international community to set the policies, prin-
12 ciples, standards, or guidelines for information secu-
13 rity; and

14 “(11) coordinating information security training
15 for Federal employees with the Office of Personnel
16 Management.

17 “(b) NATIONAL SECURITY SYSTEMS.—Except for the
18 authorities described in paragraphs (4) and (8) of sub-
19 section (a), the authorities of the Director of the National
20 Office for Cyberspace under this section shall not apply
21 to national security systems.

22 “(c) DEPARTMENT OF DEFENSE AND CENTRAL IN-
23 TELLIGENCE AGENCY SYSTEMS.—(1) The authorities of
24 the Director of the National Office for Cyberspace de-
25 scribed in paragraphs (1) and (2) of subsection (a) shall

1 be delegated to the Secretary of Defense in the case of
2 systems described in paragraph (2) and to the Director
3 of Central Intelligence in the case of systems described
4 in paragraph (3).

5 “(2) The systems described in this paragraph are sys-
6 tems that are operated by the Department of Defense, a
7 contractor of the Department of Defense, or another enti-
8 ty on behalf of the Department of Defense that processes
9 any information the unauthorized access, use, disclosure,
10 disruption, modification, or destruction of which would
11 have a debilitating impact on the mission of the Depart-
12 ment of Defense.

13 “(3) The systems described in this paragraph are sys-
14 tems that are operated by the Central Intelligence Agency,
15 a contractor of the Central Intelligence Agency, or another
16 entity on behalf of the Central Intelligence Agency that
17 processes any information the unauthorized access, use,
18 disclosure, disruption, modification, or destruction of
19 which would have a debilitating impact on the mission of
20 the Central Intelligence Agency.

21 “(d) BUDGET OVERSIGHT AND REPORTING.—(1)
22 The head of each agency shall submit to the Director of
23 the National Office for Cyberspace a budget each year for
24 the following fiscal year relating to the protection of infor-
25 mation infrastructure for such agency, by a date deter-

1 mined by the Director that is before the submission of
2 such budget by the head of the agency to the Office of
3 Management and Budget.

4 “(2) The Director shall review and offer a non-bind-
5 ing approval or disapproval of each agency’s annual budg-
6 et to each agency before the submission of such budget
7 by the head of the agency to the Office of Management
8 and Budget.

9 “(3) If the Director offers a non-binding disapproval
10 of an agency’s budget, the Director shall transmit rec-
11 ommendations to the head of such agency for strength-
12 ening its proposed budget with regard to the protection
13 of such agency’s information infrastructure.

14 “(4) Each budget submitted by the head of an agency
15 pursuant to paragraph (1) shall include—

16 “(A) a review of any threats to information
17 technology for such agency;

18 “(B) a plan to secure the information infra-
19 structure for such agency based on threats to infor-
20 mation technology, using the National Institute of
21 Standards and Technology guidelines and rec-
22 ommendations;

23 “(C) a review of compliance by such agency
24 with any previous year plan described in subpara-
25 graph (B); and

1 “(D) a report on the development of the
2 credentialing process to enable secure authentication
3 of identity and authorization for access to the infor-
4 mation infrastructure of such agency.

5 “(5) The Director of the National Office for Cyber-
6 space may recommend to the President monetary penalties
7 or incentives necessary to encourage and maintain ac-
8 countability of any agency, or senior agency official, for
9 efforts to secure the information infrastructure of such
10 agency.

11 **“§ 3556. Agency responsibilities**

12 “(a) IN GENERAL.—The head of each agency shall—

13 “(1) be responsible for—

14 “(A) providing information security protec-
15 tions commensurate with the risk and mag-
16 nitude of the harm resulting from unauthorized
17 access, use, disclosure, disruption, modification,
18 or destruction of—

19 “(i) information collected or main-
20 tained by or on behalf of the agency; and

21 “(ii) information infrastructure used
22 or operated by an agency or by a con-
23 tractor of an agency or other organization
24 on behalf of an agency;

1 “(B) complying with the requirements of
2 this subchapter and related policies, procedures,
3 standards, and guidelines, including—

4 “(i) the regulations promulgated
5 under section 3554 and the information se-
6 curity standards promulgated under sec-
7 tion 3558;

8 “(ii) information security standards
9 and guidelines for national security sys-
10 tems issued in accordance with law and as
11 directed by the President; and

12 “(iii) ensuring the standards imple-
13 mented for information infrastructure and
14 national security systems under the agency
15 head are complementary and uniform, to
16 the extent practicable; and

17 “(C) ensuring that information security
18 management processes are integrated with
19 agency strategic and operational planning pro-
20 cesses;

21 “(2) ensure that senior agency officials provide
22 information security for the information and infor-
23 mation infrastructure that support the operations
24 and assets under their control, including through—

1 “(A) assessing the risk and magnitude of
2 the harm that could result from the unauthor-
3 ized access, use, disclosure, disruption, modi-
4 fication, or destruction of such information or
5 information infrastructure;

6 “(B) determining the levels of information
7 security appropriate to protect such information
8 and information infrastructure in accordance
9 with regulations promulgated under section
10 3554 and standards promulgated under section
11 3558, for information security classifications
12 and related requirements;

13 “(C) implementing policies and procedures
14 to cost effectively reduce risks to an acceptable
15 level; and

16 “(D) continuously testing and evaluating
17 information security controls and techniques to
18 ensure that they are effectively implemented;

19 “(3) delegate to an agency official, designated
20 as the ‘Chief Information Security Officer’, under
21 the authority of the agency Chief Information Offi-
22 cer the responsibility to oversee agency information
23 security and the authority to ensure and enforce
24 compliance with the requirements imposed on the
25 agency under this subchapter, including—

1 “(A) overseeing the establishment and
2 maintenance of a security operations capability
3 on an automated and continuous basis that
4 can—

5 “(i) assess the state of compliance of
6 all networks and systems with prescribed
7 controls issued pursuant to section 3558
8 and report immediately any variance there-
9 from and, where appropriate and with the
10 approval of the agency Chief Information
11 Officer, shut down systems that are found
12 to be non-compliant;

13 “(ii) detect, report, respond to, con-
14 tain, and mitigate incidents that impair
15 adequate security of the information and
16 information infrastructure, in accordance
17 with policy provided by the Director of the
18 National Office for Cyberspace, in con-
19 sultation with the Chief Information Offi-
20 cers Council, and guidance from the Na-
21 tional Institute of Standards and Tech-
22 nology;

23 “(iii) collaborate with the National
24 Office for Cyberspace and appropriate pub-
25 lic and private sector security operations

1 centers to address incidents that impact
2 the security of information and informa-
3 tion infrastructure that extend beyond the
4 control of the agency; and

5 “(iv) not later than 24 hours after
6 discovery of any incident described under
7 subparagraph (A)(ii), unless otherwise di-
8 rected by policy of the National Office for
9 Cyberspace, provide notice to the appro-
10 priate security operations center, the Na-
11 tional Cyber Investigative Joint Task
12 Force, and the Inspector General of the
13 agency;

14 “(B) developing, maintaining, and over-
15 seeing an agency wide information security pro-
16 gram as required by subsection (b);

17 “(C) developing, maintaining, and over-
18 seeing information security policies, procedures,
19 and control techniques to address all applicable
20 requirements, including those issued under sec-
21 tions 3555 and 3558;

22 “(D) training and overseeing personnel
23 with significant responsibilities for information
24 security with respect to such responsibilities;
25 and

1 “(E) assisting senior agency officials con-
2 cerning their responsibilities under paragraph
3 (2);

4 “(4) ensure that the agency has trained and
5 cleared personnel sufficient to assist the agency in
6 complying with the requirements of this subchapter
7 and related policies, procedures, standards, and
8 guidelines;

9 “(5) ensure that the Chief Information Security
10 Officer, in coordination with other senior agency of-
11 ficials, reports biannually to the agency head on the
12 effectiveness of the agency information security pro-
13 gram, including progress of remedial actions; and

14 “(6) ensure that the Chief Information Security
15 Officer possesses necessary qualifications, including
16 education, professional certifications, training, expe-
17 rience, and the security clearance required to admin-
18 ister the functions described under this subchapter;
19 and has information security duties as the primary
20 duty of that official.

21 “(b) AGENCY PROGRAM.—Each agency shall develop,
22 document, and implement an agencywide information se-
23 curity program, approved by the Director of the National
24 Office for Cyberspace under section 3555(a)(5), to provide
25 information security for the information and information

1 infrastructure that support the operations and assets of
2 the agency, including those provided or managed by an-
3 other agency, contractor, or other source, that includes—

4 “(1) continuous automated technical monitoring
5 of information infrastructure used or operated by an
6 agency or by a contractor of an agency or other or-
7 ganization on behalf of an agency to assure conform-
8 ance with regulations promulgated under section
9 3554 and standards promulgated under section
10 3558;

11 “(2) testing of the effectiveness of security con-
12 trols that are commensurate with risk (as defined by
13 the National Institute of Standards and Technology
14 and the National Office for Cyberspace) for agency
15 information infrastructure;

16 “(3) policies and procedures that—

17 “(A) mitigate and remediate, to the extent
18 practicable, information security vulnerabilities
19 based on the risk posed to the agency;

20 “(B) cost effectively reduce information se-
21 curity risks to an acceptable level;

22 “(C) ensure that information security is
23 addressed throughout the life cycle of each
24 agency information system and information in-
25 frastructure;

1 “(D) ensure compliance with—

2 “(i) the requirements of this sub-
3 chapter;

4 “(ii) policies and procedures as may
5 be prescribed by the Director of the Na-
6 tional Office for Cyberspace, and informa-
7 tion security standards promulgated under
8 section 3558;

9 “(iii) minimally acceptable system
10 configuration requirements, as determined
11 by the Director of the National Office for
12 Cyberspace; and

13 “(iv) any other applicable require-
14 ments, including—

15 “(I) standards and guidelines for
16 national security systems issued in ac-
17 cordance with law and as directed by
18 the President;

19 “(II) the policy of the Director of
20 the National Office for Cyberspace;

21 “(III) the National Institute of
22 Standards and Technology guidance;
23 and

1 “(IV) the Chief Information Offi-
2 cers Council recommended ap-
3 proaches;

4 “(E) develop, maintain, and oversee infor-
5 mation security policies, procedures, and control
6 techniques to address all applicable require-
7 ments, including those issued under sections
8 3555 and 3558; and

9 “(F) ensure the oversight and training of
10 personnel with significant responsibilities for in-
11 formation security with respect to such respon-
12 sibilities;

13 “(4) ensuring that the agency has trained and
14 cleared personnel sufficient to assist the agency in
15 complying with the requirements of this subchapter
16 and related policies, procedures, standards, and
17 guidelines;

18 “(5) to the extent practicable, automated and
19 continuous technical monitoring for testing, and
20 evaluation of the effectiveness and compliance of in-
21 formation security policies, procedures, and prac-
22 tices, including—

23 “(A) management, operational, and tech-
24 nical controls of every information infrastruc-

1 ture identified in the inventory required under
2 section 3505(b); and

3 “(B) management, operational, and tech-
4 nical controls relied on for an evaluation under
5 section 3556;

6 “(6) a process for planning, implementing, eval-
7 uating, and documenting remedial action to address
8 any deficiencies in the information security policies,
9 procedures, and practices of the agency;

10 “(7) to the extent practicable, continuous auto-
11 mated technical monitoring for detecting, reporting,
12 and responding to security incidents, consistent with
13 standards and guidelines issued by the Director of
14 the National Office for Cyberspace, including—

15 “(A) mitigating risks associated with such
16 incidents before substantial damage is done;

17 “(B) notifying and consulting with the ap-
18 propriate security operations response center;
19 and

20 “(C) notifying and consulting with, as ap-
21 propriate—

22 “(i) law enforcement agencies and rel-
23 evant Offices of Inspectors General;

24 “(ii) the National Office for Cyber-
25 space; and

1 “(iii) any other agency or office, in ac-
2 cordance with law or as directed by the
3 President; and

4 “(8) plans and procedures to ensure continuity
5 of operations for information infrastructure that
6 support the operations and assets of the agency.

7 “(c) AGENCY REPORTING.—Each agency shall—

8 “(1) submit an annual report on the adequacy
9 and effectiveness of information security policies,
10 procedures, and practices, and compliance with the
11 requirements of this subchapter, including compli-
12 ance with each requirement of subsection (b) to—

13 “(A) the National Office for Cyberspace;

14 “(B) the Committee on Homeland Security
15 and Governmental Affairs of the Senate;

16 “(C) the Committee on Oversight and Gov-
17 ernment Reform of the House of Representa-
18 tives;

19 “(D) other appropriate authorization and
20 appropriations committees of Congress; and

21 “(E) the Comptroller General;

22 “(2) address the adequacy and effectiveness of
23 information security policies, procedures, and prac-
24 tices in plans and reports relating to—

25 “(A) annual agency budgets;

1 “(B) information resources management of
2 this subchapter;

3 “(C) information technology management
4 under this chapter;

5 “(D) program performance under sections
6 1105 and 1115 through 1119 of title 31, and
7 sections 2801 and 2805 of title 39;

8 “(E) financial management under chapter
9 9 of title 31, and the Chief Financial Officers
10 Act of 1990 (31 U.S.C. 501 note; Public Law
11 101–576) (and the amendments made by that
12 Act);

13 “(F) financial management systems under
14 the Federal Financial Management Improve-
15 ment Act (31 U.S.C. 3512 note); and

16 “(G) internal accounting and administra-
17 tive controls under section 3512 of title 31; and

18 “(3) report any significant deficiency in a pol-
19 icy, procedure, or practice identified under para-
20 graph (1) or (2)—

21 “(A) as a material weakness in reporting
22 under section 3512 of title 31; and

23 “(B) if relating to financial management
24 systems, as an instance of a lack of substantial
25 compliance under the Federal Financial Man-

1 agement Improvement Act (31 U.S.C. 3512
2 note).

3 “(d) PERFORMANCE PLAN.—(1) In addition to the
4 requirements of subsection (c), each agency, in consulta-
5 tion with the National Office for Cyberspace, shall include
6 as part of the performance plan required under section
7 1115 of title 31 a description of the resources, including
8 budget, staffing, and training, that are necessary to imple-
9 ment the program required under subsection (b).

10 “(2) The description under paragraph (1) shall be
11 based on the risk assessments required under subsection
12 (a)(2).

13 “(e) PUBLIC NOTICE AND COMMENT.—Each agency
14 shall provide the public with timely notice and opportuni-
15 ties for comment on proposed information security policies
16 and procedures to the extent that such policies and proce-
17 dures affect communication with the public.

18 **“§ 3557. Annual independent audit**

19 “(a) IN GENERAL.—(1) Each year each agency shall
20 have performed an independent audit of the information
21 security program and practices of that agency to deter-
22 mine the effectiveness of such program and practices.

23 “(2) Each audit under this section shall include—

24 “(A) testing of the effectiveness of the informa-
25 tion infrastructure of the agency for automated, con-

1 tinuous monitoring of the state of compliance of its
2 information infrastructure with regulations promul-
3 gated under section 3554 and standards promul-
4 gated under section 3558 in a representative subset
5 of—

6 “(i) the information infrastructure used or
7 operated by the agency; and

8 “(ii) the information infrastructure used,
9 operated, or supported on behalf of the agency
10 by a contractor of the agency, a subcontractor
11 (at any tier) of such contractor, or any other
12 entity;

13 “(B) an assessment (made on the basis of the
14 results of the testing) of compliance with—

15 “(i) the requirements of this subchapter;

16 and

17 “(ii) related information security policies,
18 procedures, standards, and guidelines;

19 “(C) separate assessments, as appropriate, re-
20 garding information security relating to national se-
21 curity systems; and

22 “(D) a conclusion regarding whether the infor-
23 mation security controls of the agency are effective,
24 including an identification of any significant defi-
25 ciencies in such controls.

1 “(3) Each audit under this section shall be performed
2 in accordance with applicable generally accepted Govern-
3 ment auditing standards.

4 “(b) INDEPENDENT AUDITOR.—Subject to sub-
5 section (c)—

6 “(1) for each agency with an Inspector General
7 appointed under the Inspector General Act of 1978
8 or any other law, the annual audit required by this
9 section shall be performed by the Inspector General
10 or by an independent external auditor, as deter-
11 mined by the Inspector General of the agency; and

12 “(2) for each agency to which paragraph (1)
13 does not apply, the head of the agency shall engage
14 an independent external auditor to perform the
15 audit.

16 “(c) NATIONAL SECURITY SYSTEMS.—For each
17 agency operating or exercising control of a national secu-
18 rity system, that portion of the audit required by this sec-
19 tion directly relating to a national security system shall
20 be performed—

21 “(1) only by an entity designated head; and

22 “(2) in such a manner as to ensure appropriate
23 protection for information associated with any infor-
24 mation security vulnerability in such system com-

1 mensurate with the risk and in accordance with all
2 applicable laws.

3 “(d) EXISTING AUDITS.—The audit required by this
4 section may be based in whole or in part on another audit
5 relating to programs or practices of the applicable agency.

6 “(e) AGENCY REPORTING.—(1) Each year, not later
7 than such date established by the Director of the National
8 Office for Cyberspace, the head of each agency shall sub-
9 mit to the Director the results of the audit required under
10 this section.

11 “(2) To the extent an audit required under this sec-
12 tion directly relates to a national security system, the re-
13 sults of the audit submitted to the Director of the Na-
14 tional Office for Cyberspace shall contain only a summary
15 and assessment of that portion of the audit directly relat-
16 ing to a national security system.

17 “(f) PROTECTION OF INFORMATION.—Agencies and
18 auditors shall take appropriate steps to ensure the protec-
19 tion of information which, if disclosed, may adversely af-
20 fect information security. Such protections shall be com-
21 mensurate with the risk and comply with all applicable
22 laws and regulations.

23 “(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS
24 TO CONGRESS.—(1) The Director of the National Office
25 for Cyberspace shall summarize the results of the audits

1 conducted under this section in the annual report to Con-
2 gress required under section 3555(a)(8).

3 “(2) The Director’s report to Congress under this
4 subsection shall summarize information regarding infor-
5 mation security relating to national security systems in
6 such a manner as to ensure appropriate protection for in-
7 formation associated with any information security vulner-
8 ability in such system commensurate with the risk and in
9 accordance with all applicable laws.

10 “(3) Audits and any other descriptions of information
11 infrastructure under the authority and control of the Di-
12 rector of Central Intelligence or of National Foreign Intel-
13 ligence Programs systems under the authority and control
14 of the Secretary of Defense shall be made available to Con-
15 gress only through the appropriate oversight committees
16 of Congress, in accordance with applicable laws.

17 “(h) COMPTROLLER GENERAL.—The Comptroller
18 General shall periodically evaluate and report to Congress
19 on—

20 “(1) the adequacy and effectiveness of agency
21 information security policies and practices; and

22 “(2) implementation of the requirements of this
23 subchapter.

24 “(i) CONTRACTOR AUDITS.—Each year each con-
25 tractor that operates, uses, or supports an information

1 system or information infrastructure on behalf of an agen-
2 cy and each subcontractor of such contractor—

3 “(1) shall conduct an audit using an inde-
4 pendent external auditor in accordance with sub-
5 section (a), including an assessment of compliance
6 with the applicable requirements of this subchapter;
7 and

8 “(2) shall submit the results of such audit to
9 such agency not later than such date established by
10 the Agency.

11 **“§ 3558. Responsibilities for Federal information sys-**
12 **tems standards**

13 “(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

14 “(1) IN GENERAL.—

15 “(A) REQUIREMENT.—Except as provided
16 under paragraph (2), the Secretary of Com-
17 merce shall, on the basis of proposed standards
18 developed by the National Institute of Stand-
19 ards and Technology pursuant to paragraphs
20 (2) and (3) of section 20(a) of the National In-
21 stitute of Standards and Technology Act (15
22 U.S.C. 278g-3(a)) and in consultation with the
23 Secretary of Homeland Security, promulgate in-
24 formation security standards pertaining to Fed-
25 eral information systems.

1 “(B) REQUIRED STANDARDS.—Standards
2 promulgated under subparagraph (A) shall in-
3 clude—

4 “(i) standards that provide minimum
5 information security requirements as deter-
6 mined under section 20(b) of the National
7 Institute of Standards and Technology Act
8 (15 U.S.C. 278g–3(b)); and

9 “(ii) such standards that are other-
10 wise necessary to improve the efficiency of
11 operation or security of Federal informa-
12 tion systems.

13 “(C) REQUIRED STANDARDS BINDING.—
14 Information security standards described under
15 subparagraph (B) shall be compulsory and
16 binding.

17 “(2) STANDARDS AND GUIDELINES FOR NA-
18 TIONAL SECURITY SYSTEMS.—Standards and guide-
19 lines for national security systems, as defined under
20 section 3552(b), shall be developed, promulgated, en-
21 forced, and overseen as otherwise authorized by law
22 and as directed by the President.

23 “(b) APPLICATION OF MORE STRINGENT STAND-
24 ARDS.—The head of an agency may employ standards for
25 the cost-effective information security for all operations

1 and assets within or under the supervision of that agency
2 that are more stringent than the standards promulgated
3 by the Secretary of Commerce under this section, if such
4 standards—

5 “(1) contain, at a minimum, the provisions of
6 those applicable standards made compulsory and
7 binding by the Secretary; and

8 “(2) are otherwise consistent with policies and
9 guidelines issued under section 3555.

10 “(c) REQUIREMENTS REGARDING DECISIONS BY THE
11 SECRETARY.—

12 “(1) DEADLINE.—The decision regarding the
13 promulgation of any standard by the Secretary of
14 Commerce under subsection (b) shall occur not later
15 than 6 months after the submission of the proposed
16 standard to the Secretary by the National Institute
17 of Standards and Technology, as provided under sec-
18 tion 20 of the National Institute of Standards and
19 Technology Act (15 U.S.C. 278g-3).

20 “(2) NOTICE AND COMMENT.—A decision by
21 the Secretary of Commerce to significantly modify,
22 or not promulgate, a proposed standard submitted to
23 the Secretary by the National Institute of Standards
24 and Technology, as provided under section 20 of the
25 National Institute of Standards and Technology Act

1 (15 U.S.C. 278g–3), shall be made after the public
2 is given an opportunity to comment on the Sec-
3 retary’s proposed decision.

4 **“§ 3559. Federal information security incident center**

5 “(a) IN GENERAL.—The Director of the National Of-
6 fice for Cyberspace shall ensure the operation of a central
7 Federal information security incident center to—

8 “(1) provide timely technical assistance to oper-
9 ators of agency information systems and information
10 infrastructure regarding security incidents, including
11 guidance on detecting and handling information se-
12 curity incidents;

13 “(2) compile and analyze information about in-
14 cidents that threaten information security;

15 “(3) inform operators of agency information
16 systems and information infrastructure about cur-
17 rent and potential information security threats, and
18 vulnerabilities; and

19 “(4) consult with the National Institute of
20 Standards and Technology, agencies or offices oper-
21 ating or exercising control of national security sys-
22 tems (including the National Security Agency), and
23 such other agencies or offices in accordance with law
24 and as directed by the President regarding informa-
25 tion security incidents and related matters.

1 “(b) NATIONAL SECURITY SYSTEMS.—Each agency
2 operating or exercising control of a national security sys-
3 tem shall share information about information security in-
4 cidents, threats, and vulnerabilities with the Federal infor-
5 mation security incident center to the extent consistent
6 with standards and guidelines for national security sys-
7 tems, issued in accordance with law and as directed by
8 the President.

9 “(c) REVIEW AND APPROVAL.—In coordination with
10 the Administrator for Electronic Government and Infor-
11 mation Technology, the Director of the National Office for
12 Cyberspace shall review and approve the policies, proce-
13 dures, and guidance established in this subchapter to en-
14 sure that the incident center has the capability to effec-
15 tively and efficiently detect, correlate, respond to, contain,
16 mitigate, and remediate incidents that impair the ade-
17 quate security of the information systems and information
18 infrastructure of more than one agency. To the extent
19 practicable, the capability shall be continuous and tech-
20 nically automated.

21 **“§ 3560. National security systems**

22 “The head of each agency operating or exercising
23 control of a national security system shall be responsible
24 for ensuring that the agency—

1 “(1) provides information security protections
2 commensurate with the risk and magnitude of the
3 harm resulting from the unauthorized access, use,
4 disclosure, disruption, modification, or destruction of
5 the information contained in such system;

6 “(2) implements information security policies
7 and practices as required by standards and guide-
8 lines for national security systems, issued in accord-
9 ance with law and as directed by the President; and

10 “(3) complies with the requirements of this sub-
11 chapter.”.

12 **SEC. 1702. INFORMATION SECURITY ACQUISITION RE-**
13 **QUIREMENTS.**

14 (a) **IN GENERAL.**—Chapter 113 of title 40, United
15 States Code, is amended by adding at the end of sub-
16 chapter II the following new section:

17 **“§ 11319. Information security acquisition require-**
18 **ments**

19 “(a) **PROHIBITION.**—Notwithstanding any other pro-
20 vision of law, beginning one year after the date of the en-
21 actment of the Federal Information Security Amendments
22 Act of 2010, no agency may enter into a contract, an order
23 under a contract, or an interagency agreement for—

1 “(1) the collection, use, management, storage,
2 or dissemination of information on behalf of the
3 agency;

4 “(2) the use or operation of an information sys-
5 tem or information infrastructure on behalf of the
6 agency; or

7 “(3) information technology;
8 unless such contract, order, or agreement includes require-
9 ments to provide effective information security that sup-
10 ports the operations and assets under the control of the
11 agency, in compliance with the policies, standards, and
12 guidance developed under subsection (b), and otherwise
13 ensures compliance with this section.

14 “(b) COORDINATION OF SECURE ACQUISITION POLI-
15 CIES.—

16 “(1) IN GENERAL.—The Director, in consulta-
17 tion with the Director of the National Institute of
18 Standards and Technology, the Director of the Na-
19 tional Office for Cyberspace, and the Administrator
20 of General Services, shall oversee the development
21 and implementation of policies, standards, and guid-
22 ance, including through revisions to the Federal Ac-
23 quisition Regulation and the Department of Defense
24 supplement to the Federal Acquisition Regulation, to

1 cost effectively enhance agency information security,
2 including—

3 “(A) minimum information security re-
4 quirements for agency procurement of informa-
5 tion technology products and services; and

6 “(B) approaches for evaluating and miti-
7 gating significant supply chain security risks
8 associated with products or services to be ac-
9 quired by agencies.

10 “(2) REPORT.—Not later than two years after
11 the date of the enactment of the Federal Informa-
12 tion Security Amendments Act of 2010, the Director
13 shall submit to Congress a report describing—

14 “(A) actions taken to improve the informa-
15 tion security associated with the procurement of
16 products and services by the Federal Govern-
17 ment; and

18 “(B) plans for overseeing and coordinating
19 efforts of agencies to use best practice ap-
20 proaches for cost-effectively purchasing more
21 secure products and services.

22 “(c) VULNERABILITY ASSESSMENTS OF MAJOR SYS-
23 TEMS.—

24 “(1) REQUIREMENT FOR INITIAL VULNER-
25 ABILITY ASSESSMENTS.—The Director shall require

1 each agency to conduct an initial vulnerability as-
2 sessment for any major system and its significant
3 items of supply prior to the development of the sys-
4 tem. The initial vulnerability assessment of a major
5 system and its significant items of supply shall in-
6 clude use of an analysis-based approach to—

7 “(A) identify vulnerabilities;

8 “(B) define exploitation potential;

9 “(C) examine the system’s potential effec-
10 tiveness;

11 “(D) determine overall vulnerability; and

12 “(E) make recommendations for risk re-
13 duction.

14 “(2) SUBSEQUENT VULNERABILITY ASSESS-
15 MENTS.—

16 “(A) The Director shall require a subse-
17 quent vulnerability assessment of each major
18 system and its significant items of supply with-
19 in a program if the Director determines that
20 circumstances warrant the issuance of an addi-
21 tional vulnerability assessment.

22 “(B) Upon the request of a congressional
23 committee, the Director may require a subse-
24 quent vulnerability assessment of a particular

1 major system and its significant items of supply
2 within the program.

3 “(C) Any subsequent vulnerability assess-
4 ment of a major system and its significant
5 items of supply shall include use of an analysis-
6 based approach and, if applicable, a testing-
7 based approach, to monitor the exploitation po-
8 tential of such system and reexamine the fac-
9 tors described in subparagraphs (A) through
10 (E) of paragraph (1).

11 “(3) CONGRESSIONAL OVERSIGHT.—The Direc-
12 tor shall provide to the appropriate congressional
13 committees a copy of each vulnerability assessment
14 conducted under paragraph (1) or (2) not later than
15 10 days after the date of the completion of such as-
16 sessment.

17 “(d) DEFINITIONS.—In this section:

18 “(1) ITEM OF SUPPLY.—The term ‘item of sup-
19 ply’—

20 “(A) means any individual part, compo-
21 nent, subassembly, assembly, or subsystem inte-
22 gral to a major system, and other property
23 which may be replaced during the service life of
24 the major system, including a spare part or re-
25 plenishment part; and

1 “(B) does not include packaging or label-
2 ing associated with shipment or identification of
3 an item.

4 “(2) VULNERABILITY ASSESSMENT.—The term
5 ‘vulnerability assessment’ means the process of iden-
6 tifying and quantifying vulnerabilities in a major
7 system and its significant items of supply.

8 “(3) MAJOR SYSTEM.—The term ‘major system’
9 has the meaning given that term in section 4 of the
10 Office of Federal Procurement Policy Act (41 U.S.C.
11 403).”.

12 **SEC. 1703. TECHNICAL AND CONFORMING AMENDMENTS.**

13 (a) TABLE OF SECTIONS IN TITLE 44.—The table
14 of sections for chapter 35 of title 44, United States Code,
15 is amended by striking the matter relating to subchapters
16 II and III and inserting the following:

“SUBCHAPTER II—INFORMATION SECURITY

“3551. Purposes.

“3552. Definitions.

“3553. National Office for Cyberspace.

“3554. Federal Cybersecurity Practice Board.

“3555. Authority and functions of the Director of the National Office for
Cyberspace.

“3556. Agency responsibilities.

“3557. Annual independent audit.

“3558. Responsibilities for Federal information systems standards.

“3559. Federal information security incident center.

“3560. National security systems.”.

17 (b) TABLE OF SECTIONS IN TITLE 40.—The table
18 of sections for chapter 113 of title 40, United States Code,

1 is amended by inserting after the item relating to section
2 11318 the following new item:

“Sec. 11319. Information security acquisition requirements.”.

3 (c) OTHER REFERENCES.—

4 (1) Section 1001(c)(1)(A) of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 511(c)(1)(A)) is
6 amended by striking “section 3532(3)” and insert-
7 ing “section 3552(b)”.

8 (2) Section 2222(j)(6) of title 10, United States
9 Code, is amended by striking “section 3542(b)(2))”
10 and inserting “section 3552(b)”.

11 (3) Section 2223(c)(3) of title 10, United
12 States Code, is amended, by striking “section
13 3542(b)(2))” and inserting “section 3552(b)”.

14 (4) Section 2315 of title 10, United States
15 Code, is amended by striking “section 3542(b)(2))”
16 and inserting “section 3552(b)”.

17 (5) Section 20 of the National Institute of
18 Standards and Technology Act (15 U.S.C. 278g–3)
19 is amended—

20 (A) in subsections (a)(2) and (e)(5), by
21 striking “section 3532(b)(2))” and inserting
22 “section 3552(b)”;

23 (B) in subsection (e)(2), by striking “sec-
24 tion 3532(1))” and inserting “section 3552(b)”;
25 and

1 (C) in subsections (c)(3) and (d)(1), by
2 striking “section 11331 of title 40” and insert-
3 ing “section 3558 of title 44”.

4 (6) Section 8(d)(1) of the Cyber Security Re-
5 search and Development Act (15 U.S.C. 7406(d)(1))
6 is amended by striking “section 3534(b)” and in-
7 serting “section 3556(b)”.

8 (d) REPEAL.—

9 (1) Subchapter III of chapter 113 of title 40,
10 United States Code, is repealed.

11 (2) The table of sections for chapter 113 of
12 such title is amended by striking the matter relating
13 to subchapter III.

14 (e) EXECUTIVE SCHEDULE PAY RATE.—Section
15 5314 of title 5, United States Code, is amended by adding
16 at the end the following:

17 “Director of the National Office for Cyber-
18 space.”.

19 (f) MEMBERSHIP ON THE NATIONAL SECURITY
20 COUNCIL.—Section 101(a) of the National Security Act
21 of 1947 (50 U.S.C. 402(a)) is amended—

22 (1) by redesignating paragraphs (7) and (8) as
23 paragraphs (8) and (9), respectively; and

24 (2) by inserting after paragraph (6) the fol-
25 lowing:

1 “(7) the Director of the National Office for
2 Cyberspace;”.

3 **SEC. 1704. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Unless otherwise specified in this
5 section, this subtitle (including the amendments made by
6 this subtitle) shall take effect 30 days after the date of
7 enactment of this Act.

8 (b) NATIONAL OFFICE FOR CYBERSPACE.—Section
9 3553 of title 44, United States Code, as added by section
10 1701 of this division, shall take effect 180 days after the
11 date of enactment of this Act.

12 (c) FEDERAL CYBERSECURITY PRACTICE BOARD.—
13 Section 3554 of title 44, United States Code, as added
14 by section 1701 of this division, shall take effect one year
15 after the date of enactment of this Act.

16 **Subtitle B—Federal Chief**
17 **Technology Officer**

18 **SEC. 1711. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.**

19 (a) ESTABLISHMENT AND STAFF.—

20 (1) ESTABLISHMENT.—

21 (A) IN GENERAL.—There is established in
22 the Executive Office of the President an Office
23 of the Federal Chief Technology Officer (in this
24 section referred to as the “Office”).

25 (B) HEAD OF THE OFFICE.—

1 (i) FEDERAL CHIEF TECHNOLOGY OF-
2 FICER.—The President shall appoint a
3 Federal Chief Technology Officer (in this
4 section referred to as the “Federal CTO”)
5 who shall be the head of the Office.

6 (ii) COMPENSATION.—Section 5314 of
7 title 5, United States Code, is amended by
8 adding at the end the following:

9 “Federal Chief Technology Officer.”.

10 (2) STAFF OF THE OFFICE.—The President
11 may appoint additional staff members to the Office.

12 (b) DUTIES OF THE OFFICE.—The functions of the
13 Federal CTO are the following:

14 (1) Undertake fact-gathering, analysis, and as-
15 sessment of the Federal Government’s information
16 technology infrastructures, information technology
17 strategy, and use of information technology, and
18 provide advice on such matters to the President,
19 heads of Federal departments and agencies, and
20 government chief information officers and chief tech-
21 nology officers.

22 (2) Lead an interagency effort, working with
23 the chief technology and chief information officers of
24 each of the Federal departments and agencies, to de-
25 velop and implement a planning process to ensure

1 that they use best-in-class technologies, share best
2 practices, and improve the use of technology in sup-
3 port of Federal Government requirements.

4 (3) Advise the President on information tech-
5 nology considerations with regard to Federal budg-
6 ets and with regard to general coordination of the
7 research and development programs of the Federal
8 Government for information technology-related mat-
9 ters.

10 (4) Promote technological innovation in the
11 Federal Government, and encourage and oversee the
12 adoption of robust cross-governmental architectures
13 and standards-based information technologies, in
14 support of effective operational and management
15 policies, practices, and services across Federal de-
16 partments and agencies and with the public and ex-
17 ternal entities.

18 (5) Establish cooperative public-private sector
19 partnership initiatives to achieve knowledge of tech-
20 nologies available in the marketplace that can be
21 used for improving governmental operations and in-
22 formation technology research and development ac-
23 tivities.

24 (6) Gather timely and authoritative information
25 concerning significant developments and trends in

1 information technology, and in national priorities,
2 both current and prospective, and analyze and inter-
3 pret the information for the purpose of determining
4 whether the developments and trends are likely to
5 affect achievement of the priority goals of the Fed-
6 eral Government.

7 (7) Develop, review, revise, and recommend cri-
8 teria for determining information technology activi-
9 ties warranting Federal support, and recommend
10 Federal policies designed to advance the develop-
11 ment and maintenance of effective and efficient in-
12 formation technology capabilities, including human
13 resources, at all levels of government, academia, and
14 industry, and the effective application of the capa-
15 bilities to national needs.

16 (8) Any other functions and activities that the
17 President may assign to the Federal CTO.

18 (c) POLICY PLANNING; ANALYSIS AND ADVICE.—The
19 Office shall serve as a source of analysis and advice for
20 the President and heads of Federal departments and agen-
21 cies with respect to major policies, plans, and programs
22 of the Federal Government in accordance with the func-
23 tions described in subsection (b).

24 (d) COORDINATION OF THE OFFICE WITH OTHER
25 ENTITIES.—

1 (1) FEDERAL CTO ON DOMESTIC POLICY COUN-
2 CIL.—The Federal CTO shall be a member of the
3 Domestic Policy Council.

4 (2) FEDERAL CTO ON CYBER SECURITY PRAC-
5 TICE BOARD.—The Federal CTO shall be a member
6 of the Federal Cybersecurity Practice Board.

7 (3) OBTAIN INFORMATION FROM AGENCIES.—
8 The Office may secure, directly from any depart-
9 ment or agency of the United States, information
10 necessary to enable the Federal CTO to carry out
11 this section. On request of the Federal CTO, the
12 head of the department or agency shall furnish the
13 information to the Office, subject to any applicable
14 limitations of Federal law.

15 (4) STAFF OF FEDERAL AGENCIES.—On re-
16 quest of the Federal CTO, to assist the Office in
17 carrying out the duties of the Office, the head of any
18 Federal department or agency may detail personnel,
19 services, or facilities of the department or agency to
20 the Office.

21 (e) ANNUAL REPORT.—

22 (1) PUBLICATION AND CONTENTS.—The Fed-
23 eral CTO shall publish, in the Federal Register and
24 on a public Internet website of the Federal CTO, an
25 annual report that includes the following:

1 (A) Information on programs to promote
2 the development of technological innovations.

3 (B) Recommendations for the adoption of
4 policies to encourage the generation of techno-
5 logical innovations.

6 (C) Information on the activities and ac-
7 complishments of the Office in the year covered
8 by the report.

9 (2) SUBMISSION.—The Federal CTO shall sub-
10 mit each report under paragraph (1) to—

11 (A) the President;

12 (B) the Committee on Oversight and Gov-
13 ernment Reform of the House of Representa-
14 tives;

15 (C) the Committee on Science and Tech-
16 nology of the House of Representatives; and

17 (D) the Committee on Commerce, Science,
18 and Transportation of the Senate.

19 **TITLE XVIII—GUAM WORLD WAR**
20 **II LOYALTY RECOGNITION ACT**

21 **SEC. 1801. SHORT TITLE.**

22 This title may be cited as the “Guam World War II
23 Loyalty Recognition Act”.

1 **SEC. 1802. RECOGNITION OF THE SUFFERING AND LOY-**
2 **ALTY OF THE RESIDENTS OF GUAM.**

3 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
4 DENTS OF GUAM.—The United States recognizes that, as
5 described by the Guam War Claims Review Commission,
6 the residents of Guam, on account of their United States
7 nationality, suffered unspeakable harm as a result of the
8 occupation of Guam by Imperial Japanese military forces
9 during World War II, by being subjected to death, rape,
10 severe personal injury, personal injury, forced labor,
11 forced march, or internment.

12 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
13 DENTS OF GUAM.—The United States forever will be
14 grateful to the residents of Guam for their steadfast loy-
15 alty to the United States of America, as demonstrated by
16 the countless acts of courage they performed despite the
17 threat of death or great bodily harm they faced at the
18 hands of the Imperial Japanese military forces that occu-
19 pied Guam during World War II.

20 **SEC. 1803. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

21 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
22 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
23 Subject to the availability of appropriations authorized to
24 be appropriated under section 1806(a), after receipt of
25 certification pursuant to section 1804(b)(8) and in accord-

1 ance with the provisions of this title, the Secretary of the
2 Treasury shall make payments as follows:

3 (1) RESIDENTS INJURED.—The Secretary shall
4 pay compensable Guam victims who are not de-
5 ceased before any payments are made to individuals
6 described in paragraphs (2) and (3) as follows:

7 (A) If the victim has suffered an injury de-
8 scribed in subsection (c)(2)(A), \$15,000.

9 (B) If the victim is not described in sub-
10 paragraph (A) but has suffered an injury de-
11 scribed in subsection (c)(2)(B), \$12,000.

12 (C) If the victim is not described in sub-
13 paragraph (A) or (B) but has suffered an in-
14 jury described in subsection (c)(2)(C), \$10,000.

15 (2) SURVIVORS OF RESIDENTS WHO DIED IN
16 WAR.—In the case of a compensable Guam decedent,
17 the Secretary shall pay \$25,000 for distribution to
18 eligible survivors of the decedent as specified in sub-
19 section (b). The Secretary shall make payments
20 under this paragraph after payments are made
21 under paragraph (1) and before payments are made
22 under paragraph (3).

23 (3) SURVIVORS OF DECEASED INJURED RESI-
24 DENTS.—In the case of a compensable Guam victim
25 who is deceased, the Secretary shall pay \$7,000 for

1 distribution to eligible survivors of the victim as
2 specified in subsection (b). The Secretary shall make
3 payments under this paragraph after payments are
4 made under paragraphs (1) and (2).

5 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
6 ments under paragraph (2) or (3) of subsection (a) to eli-
7 gible survivors of an individual who is a compensable
8 Guam decedent or a compensable Guam victim who is de-
9 ceased shall be made as follows:

10 (1) If there is living a spouse of the individual,
11 but no child of the individual, all of the payment
12 shall be made to such spouse.

13 (2) If there is living a spouse of the individual
14 and one or more children of the individual, one-half
15 of the payment shall be made to the spouse and the
16 other half to the child (or to the children in equal
17 shares).

18 (3) If there is no living spouse of the individual,
19 but there are one or more children of the individual
20 alive, all of the payment shall be made to such child
21 (or to such children in equal shares).

22 (4) If there is no living spouse or child of the
23 individual but there is a living parent (or parents)
24 of the individual, all of the payment shall be made
25 to the parents (or to the parents in equal shares).

1 (5) If there is no such living spouse, child, or
2 parent, no payment shall be made.

3 (c) DEFINITIONS.—For purposes of this title:

4 (1) COMPENSABLE GUAM DECEDENT.—The
5 term “compensable Guam decedent” means an indi-
6 vidual determined under section 1804(a)(1) to have
7 been a resident of Guam who died or was killed as
8 a result of the attack and occupation of Guam by
9 Imperial Japanese military forces during World War
10 II, or incident to the liberation of Guam by United
11 States military forces, and whose death would have
12 been compensable under the Guam Meritorious
13 Claims Act of 1945 (Public Law 79–224) if a timely
14 claim had been filed under the terms of such Act.

15 (2) COMPENSABLE GUAM VICTIM.—The term
16 “compensable Guam victim” means an individual de-
17 termined under section 1804(a)(1) to have suffered,
18 as a result of the attack and occupation of Guam by
19 Imperial Japanese military forces during World War
20 II, or incident to the liberation of Guam by United
21 States military forces, any of the following:

22 (A) Rape or severe personal injury (such
23 as loss of a limb, dismemberment, or paralysis).

1 (B) Forced labor or a personal injury not
2 under subparagraph (A) (such as disfigure-
3 ment, scarring, or burns).

4 (C) Forced march, internment, or hiding
5 to evade internment.

6 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
7 RIES AND PERSONAL INJURIES.—The Foreign
8 Claims Settlement Commission shall promulgate reg-
9 ulations to specify injuries that constitute a severe
10 personal injury or a personal injury for purposes of
11 subparagraphs (A) and (B), respectively, of para-
12 graph (2).

13 **SEC. 1804. ADJUDICATION.**

14 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT
15 COMMISSION.—

16 (1) IN GENERAL.—The Foreign Claims Settle-
17 ment Commission is authorized to adjudicate claims
18 and determine eligibility for payments under section
19 1803.

20 (2) RULES AND REGULATIONS.—The chairman
21 of the Foreign Claims Settlement Commission shall
22 prescribe such rules and regulations as may be nec-
23 essary to enable it to carry out its functions under
24 this title. Such rules and regulations shall be pub-
25 lished in the Federal Register.

1 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

2 (1) SUBMITTAL OF CLAIM.—For purposes of
3 subsection (a)(1) and subject to paragraph (2), the
4 Foreign Claims Settlement Commission may not de-
5 termine an individual is eligible for a payment under
6 section 1803 unless the individual submits to the
7 Commission a claim in such manner and form and
8 containing such information as the Commission
9 specifies.

10 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

11 All claims for a payment under section 1803 shall be
12 filed within one year after the Foreign Claims Set-
13 tlement Commission publishes public notice of the
14 filing period in the Federal Register. The Foreign
15 Claims Settlement Commission shall provide for the
16 notice required under the previous sentence not later
17 than 180 days after the date of the enactment of
18 this title. In addition, the Commission shall cause to
19 be publicized the public notice of the deadline for fil-
20 ing claims in newspaper, radio, and television media
21 on Guam.

22 (3) ADJUDICATORY DECISIONS.—The decision
23 of the Foreign Claims Settlement Commission on
24 each claim shall be by majority vote, shall be in writ-
25 ing, and shall state the reasons for the approval or

1 denial of the claim. If approved, the decision shall
2 also state the amount of the payment awarded and
3 the distribution, if any, to be made of the payment.

4 (4) DEDUCTIONS IN PAYMENT.—The Foreign
5 Claims Settlement Commission shall deduct, from
6 potential payments, amounts previously paid under
7 the Guam Meritorious Claims Act of 1945 (Public
8 Law 79–224).

9 (5) INTEREST.—No interest shall be paid on
10 payments awarded by the Foreign Claims Settlement
11 Commission.

12 (6) REMUNERATION PROHIBITED.—No remun-
13 eration on account of representational services ren-
14 dered on behalf of any claimant in connection with
15 any claim filed with the Foreign Claims Settlement
16 Commission under this title shall exceed one percent
17 of the total amount paid pursuant to any payment
18 certified under the provisions of this title on account
19 of such claim. Any agreement to the contrary shall
20 be unlawful and void. Whoever demands or receives,
21 on account of services so rendered, any remunera-
22 tion in excess of the maximum permitted by this sec-
23 tion shall be fined not more than \$5,000 or impris-
24 oned not more than 12 months, or both.

1 (7) APPEALS AND FINALITY.—Objections and
2 appeals of decisions of the Foreign Claims Settle-
3 ment Commission shall be to the Commission, and
4 upon rehearing, the decision in each claim shall be
5 final, and not subject to further review by any court
6 or agency.

7 (8) CERTIFICATIONS FOR PAYMENT.—After a
8 decision approving a claim becomes final, the chair-
9 man of the Foreign Claims Settlement Commission
10 shall certify it to the Secretary of the Treasury for
11 authorization of a payment under section 1803.

12 (9) TREATMENT OF AFFIDAVITS.—For pur-
13 poses of section 1803 and subject to paragraph (2),
14 the Foreign Claims Settlement Commission shall
15 treat a claim that is accompanied by an affidavit of
16 an individual that attests to all of the material facts
17 required for establishing eligibility of such individual
18 for payment under such section as establishing a
19 prima facie case of the individual's eligibility for
20 such payment without the need for further docu-
21 mentation, except as the Commission may otherwise
22 require. Such material facts shall include, with re-
23 spect to a claim under paragraph (2) or (3) of sec-
24 tion 1803(a), a detailed description of the injury or

1 other circumstance supporting the claim involved, in-
2 cluding the level of payment sought.

3 (10) RELEASE OF RELATED CLAIMS.—Accept-
4 ance of payment under section 1803 by an individual
5 for a claim related to a compensable Guam decedent
6 or a compensable Guam victim shall be in full satis-
7 faction of all claims related to such decedent or vic-
8 tim, respectively, arising under the Guam Meri-
9 torious Claims Act of 1945 (Public Law 79–224),
10 the implementing regulations issued by the United
11 States Navy pursuant thereto, or this title.

12 **SEC. 1805. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
13 **PATION OF GUAM DURING WORLD WAR II.**

14 (a) ESTABLISHMENT.—Subject to section 1806(b)
15 and in accordance with this section, the Secretary of the
16 Interior shall establish a grants program under which the
17 Secretary shall award grants for research, educational,
18 and media activities that memorialize the events sur-
19 rounding the occupation of Guam during World War II,
20 honor the loyalty of the people of Guam during such occu-
21 pation, or both, for purposes of appropriately illuminating
22 and interpreting the causes and circumstances of such oc-
23 cupation and other similar occupations during a war.

24 (b) ELIGIBILITY.—The Secretary of the Interior may
25 not award to a person a grant under subsection (a) unless

1 such person submits an application to the Secretary for
2 such grant, in such time, manner, and form and con-
3 taining such information as the Secretary specifies.

4 **SEC. 1806. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
6 ADJUDICATION.—For purposes of carrying out sections
7 1803 and 1804, there are authorized to be appropriated
8 \$126,000,000, to remain available for obligation until Sep-
9 tember 30, 2013, to the Foreign Claims Settlement Com-
10 mission. Not more than 5 percent of funds made available
11 under this subsection shall be used for administrative
12 costs.

13 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
14 purposes of carrying out section 1805, there are author-
15 ized to be appropriated \$5,000,000, to remain available
16 for obligation until September 30, 2013.

17 **DIVISION B—MILITARY CON-**
18 **STRUCTION AUTHORIZA-**
19 **TIONS**

20 **SEC. 2001. SHORT TITLE.**

21 This division may be cited as the “Military Construc-
22 tion Authorization Act for Fiscal Year 2011”.

1 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
2 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
3 **LAW.**

4 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
5 YEARS.—Except as provided in subsection (b), all author-
6 izations contained in titles XXI through XXVII and title
7 XXIX for military construction projects, land acquisition,
8 family housing projects and facilities, and contributions to
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program (and authorizations of appropriations
11 therefor) shall expire on the later of—

12 (1) October 1, 2013; or

13 (2) the date of the enactment of an Act author-
14 izing funds for military construction for fiscal year
15 2014.

16 (b) EXCEPTION.—Subsection (a) shall not apply to
17 authorizations for military construction projects, land ac-
18 quisition, family housing projects and facilities, and con-
19 tributions to the North Atlantic Treaty Organization Se-
20 curity Investment Program (and authorizations of appro-
21 priations therefor), for which appropriated funds have
22 been obligated before the later of—

23 (1) October 1, 2013; or

24 (2) the date of the enactment of an Act author-
25 izing funds for fiscal year 2014 for military con-
26 struction projects, land acquisition, family housing

1 projects and facilities, and contributions to the
2 North Atlantic Treaty Organization Security Invest-
3 ment Program.

4 **SEC. 2003. EFFECTIVE DATE.**

5 Titles XXI, XXII, XXIII, XXIV, XXV, XXVI,
6 XXVII, and XXIX shall take effect on the later of—

7 (1) October 1, 2010; or

8 (2) the date of the enactment of this Act.

9 **SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.**

10 (a) REDUCTION.—Of the amounts provided in the au-
11 thorizations of appropriations in this division, the overall
12 authorization of appropriations in this division is reduced
13 by \$441,096,000.

14 (b) REPORT ON APPLICATION.—Not later than 90
15 days after the date of the enactment of this Act, the Sec-
16 retary of Defense shall submit to the congressional defense
17 committees a report describing how the reduction required
18 by subsection (a) is applied.

19 **TITLE XXI—ARMY MILITARY**
20 **CONSTRUCTION**

21 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
22 **ACQUISITION PROJECTS AND AUTHORIZA-**
23 **TION OF APPROPRIATIONS.**

24 (a) INSIDE THE UNITED STATES.—The Secretary of
25 the Army may acquire real property and carry out military

- 1 construction projects for the installations or locations in-
 2 side the United States, and subject to the purpose, total
 3 amount authorized, and authorization of appropriations
 4 specified for each project, set forth in the following table:

| Army: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AK | Fort Wainwright | Urban Assault Course | 3,350 | 3,350 |
| AK | Fort Richardson | Multipurpose Machine Gun Range | 12,200 | 12,200 |
| AK | Fort Greely | Fire Station | 26,000 | 26,000 |
| AK | Fort Wainwright | Aviation Task Force Complex, Ph 2B (Com- pany Ops Facility) | 27,000 | 27,000 |
| AK | Fort Richardson | Simulations Center | 34,000 | 34,000 |
| AK | Fort Richardson | Brigade Complex, Ph 1 | 67,038 | 67,038 |
| AK | Fort Wainwright | Aviation Task Force Complex, Ph 2A (Hangar) | 142,650 | 142,650 |
| AL | Fort Rucker | Training Aids Center | 4,650 | 4,650 |
| AL | Fort Rucker | Aviation Component Maintenance Shop | 29,000 | 29,000 |
| AL | Fort Rucker | Aviation Maintenance Facility | 36,000 | 36,000 |
| CA | Presidio Monterey | Satellite Communications Facility | 38,000 | 38,000 |
| CA | Presidio Monterey | General Instruction Building | 39,000 | 39,000 |
| CA | Presidio Monterey | Advanced Individual Training Barracks | 63,000 | 63,000 |
| CO | Fort Carson | Automated Sniper Field Fire Range | 3,650 | 3,650 |
| CO | Fort Carson | Battalion Headquarters | 6,700 | 6,700 |
| CO | Fort Carson | Simulations Center | 40,000 | 40,000 |
| CO | Fort Carson | Brigade Complex | 56,000 | 56,000 |
| FL | Eglin AB | Chapel | 6,900 | 6,900 |
| FL | US Army Garrison Miami | Commissary | 19,000 | 19,000 |
| FL | Miami-Dade County | Command & Control Facility | 41,000 | 41,000 |
| GA | Fort Stewart | Modified Record Fire Range | 3,750 | 3,750 |
| GA | Fort Gordon | Training Aids Center | 4,150 | 4,150 |
| GA | Fort Stewart | Automated Infantry Platoon Battle Course | 6,200 | 6,200 |
| GA | Fort Stewart | Training Aids Center | 7,000 | 7,000 |
| GA | Fort Stewart | General Instruction Building | 8,200 | 8,200 |
| GA | Fort Stewart | Automated Multipurpose Machine Gun Range | 9,100 | 9,100 |
| GA | Fort Benning | Land Acquisition | 12,200 | 12,200 |
| GA | Fort Benning | Training Battalion Complex, Ph 2 | 14,600 | 14,600 |
| GA | Fort Benning | Training Battalion Complex, Ph 2 | 14,600 | 14,600 |
| GA | Fort Stewart | Battalion Complex | 18,000 | 18,000 |
| GA | Fort Stewart | Simulations Center | 26,000 | 26,000 |
| GA | Fort Benning | Museum Operations Support Building | 32,000 | 32,000 |
| GA | Fort Stewart | Aviation Unit Operations Complex | 47,000 | 47,000 |
| GA | Fort Benning | Trainee Barracks, Ph 2 | 51,000 | 51,000 |
| GA | Fort Benning | Vehicle Maintenance Shop | 53,000 | 53,000 |
| HI | Fort Shafter | Flood Mitigation | 23,000 | 23,000 |
| HI | Schofield Barracks | Training Aids Center | 24,000 | 24,000 |
| HI | Tripler Army Medical Center | Barracks | 28,000 | 28,000 |
| HI | Fort Shafter | Command & Control Facility, Ph 1 | 58,000 | 58,000 |
| HI | Schofield Barracks | Barracks | 90,000 | 90,000 |
| HI | Schofield Barracks | Barracks | 98,000 | 98,000 |
| KS | Fort Riley | Automated Infantry Squad Battle Course | 4,100 | 4,100 |
| KS | Fort Leavenworth | Vehicle Maintenance Shop | 7,100 | 7,100 |
| KS | Fort Riley | Known Distance Range | 7,200 | 7,200 |
| KS | Fort Riley | Automated Qualification/Training Range | 14,800 | 14,800 |
| KS | Fort Riley | Battalion Complex, Ph 1 | 31,000 | 31,000 |
| KY | Fort Campbell | Automated Sniper Field Fire Range | 1,500 | 1,500 |
| KY | Fort Campbell | Urban Assault Course | 3,300 | 3,300 |
| KY | Fort Campbell | Rappelling Training Area | 5,600 | 5,600 |
| KY | Fort Knox | Access Corridor Improvements | 6,000 | 6,000 |
| KY | Fort Knox | Military Operation Urban Terrain Collective Training Facility | 12,800 | 12,800 |
| KY | Fort Campbell | Vehicle Maintenance Shop | 15,500 | 15,500 |
| KY | Fort Campbell | Company Operations Facilities | 25,000 | 25,000 |
| KY | Fort Campbell | Unit Operations Facilities | 26,000 | 26,000 |
| KY | Fort Campbell | Brigade Complex | 67,000 | 67,000 |
| LA | Fort Polk | Heavy Sniper Range | 4,250 | 4,250 |
| LA | Fort Polk | Land Acquisition | 6,000 | 6,000 |
| LA | Fort Polk | Land Acquisition | 24,000 | 24,000 |
| LA | Fort Polk | Barracks | 29,000 | 29,000 |
| MD | Fort Meade | Indoor Firing Range | 7,600 | 7,600 |

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|-------------------------------|---|----------------|---------------------------------|
| MD | Aberdeen Proving Ground | Auto Tech Evaluate Facility, Ph 2 | 14,600 | 14,600 |
| MD | Fort Meade | Wideband SATCOM Operations Center | 25,000 | 25,000 |
| MO | Fort Leonard Wood | General Instruction Building | 7,000 | 7,000 |
| MO | Fort Leonard Wood | Brigade Headquarters | 12,200 | 12,200 |
| MO | Fort Leonard Wood | Information Systems Facility | 15,500 | 15,500 |
| MO | Fort Leonard Wood | Training Barracks | 19,000 | 19,000 |
| MO | Fort Leonard Wood | Barracks | 29,000 | 29,000 |
| MO | Fort Leonard Wood | Transient Advanced Trainee Barracks, Ph 2 | 29,000 | 29,000 |
| NC | Fort Bragg | Vehicle Maintenance Shop | 7,500 | 7,500 |
| NC | Fort Bragg | Dining Facility | 11,200 | 11,200 |
| NC | Fort Bragg | Company Operations Facilities | 12,600 | 12,600 |
| NC | Fort Bragg | Staging Area Complex | 14,600 | 14,600 |
| NC | Fort Bragg | Murchison Road Right of Way Acquisition .. | 17,000 | 17,000 |
| NC | Fort Bragg | Student Barracks | 18,000 | 18,000 |
| NC | Fort Bragg | Brigade Complex | 25,000 | 25,000 |
| NC | Fort Bragg | Vehicle Maintenance Shop | 28,000 | 28,000 |
| NC | Fort Bragg | Battalion Complex | 33,000 | 33,000 |
| NC | Fort Bragg | Brigade Complex | 41,000 | 41,000 |
| NC | Fort Bragg | Brigade Complex | 50,000 | 50,000 |
| NC | Fort Bragg | Command and Control Facility | 53,000 | 53,000 |
| NM | White Sands | Barracks | 29,000 | 29,000 |
| NY | U.S. Military Academy ... | Urban Assault Course | 1,700 | 1,700 |
| NY | Fort Drum | Alert Holding Area Facility | 6,700 | 6,700 |
| NY | Fort Drum | Infantry Squad Battle Course | 8,200 | 8,200 |
| NY | Fort Drum | Aircraft Fuel Storage Complex | 14,600 | 14,600 |
| NY | Fort Drum | Aircraft Maintenance Hangar | 16,500 | 16,500 |
| NY | Fort Drum | Training Aids Center | 18,500 | 18,500 |
| NY | Fort Drum | Brigade Complex, Ph 1 | 55,000 | 55,000 |
| NY | Fort Drum | Transient Training Barracks | 55,000 | 55,000 |
| NY | Fort Drum | Battalion Complex | 61,000 | 61,000 |
| NY | U.S. Military Academy ... | Science Facility, Ph 2 | 130,624 | 130,624 |
| OK | McAlester | Igloo Storage, Depot Level | 3,000 | 3,000 |
| OK | Fort Sill | Museum Operations Support Building | 12,800 | 12,800 |
| OK | Fort Sill | General Purpose Storage Building | 13,800 | 13,800 |
| SC | Fort Jackson | Training Aids Center | 17,000 | 17,000 |
| SC | Fort Jackson | Trainee Barracks | 28,000 | 28,000 |
| SC | Fort Jackson | Trainee Barracks Complex, Ph 1 | 46,000 | 46,000 |
| TX | Fort Bliss | Light Demolition Range | 2,100 | 2,100 |
| TX | Fort Hood | Live Fire Exercise Shoothouse | 2,100 | 2,100 |
| TX | Fort Hood | Urban Assault Course | 2,450 | 2,450 |
| TX | Fort Bliss | Urban Assault Course | 2,800 | 2,800 |
| TX | Fort Bliss | Squad Defense Range | 3,000 | 3,000 |
| TX | Fort Bliss | Live Fire Exercise Shoothouse | 3,150 | 3,150 |
| TX | Fort Hood | Convoy Live Fire | 3,200 | 3,200 |
| TX | Fort Bliss | Heavy Sniper Range | 3,500 | 3,500 |
| TX | Fort Hood | Company Operations Facilities | 4,300 | 4,300 |
| TX | Fort Sam Houston | Training Aids Center | 6,200 | 6,200 |
| TX | Fort Bliss | Automated Multipurpose Machine Gun Range | 6,700 | 6,700 |
| TX | Fort Bliss | Vehicle Bridge Overpass | 8,700 | 8,700 |
| TX | Corpus Christi NAS | Rotor Blade Processing Facility, Ph 2 | 13,400 | 13,400 |
| TX | Fort Bliss | Indoor Swimming Pool | 15,500 | 15,500 |
| TX | Fort Bliss | Scout/Reconnaissance Crew Engagement Gunnery Complex | 15,500 | 15,500 |
| TX | Fort Sam Houston | Simulations Center | 16,000 | 16,000 |
| TX | Fort Bliss | Theater High Altitude Area Defense Battery Complex | 17,500 | 17,500 |
| TX | Fort Bliss | Company Operations Facilities | 18,500 | 18,500 |
| TX | Fort Bliss | Digital Multipurpose Training Range | 22,000 | 22,000 |
| TX | Fort Bliss | Transient Training Complex | 31,000 | 31,000 |
| TX | Fort Hood | Brigade Complex | 38,000 | 38,000 |
| TX | Fort Hood | Battalion Complex | 40,000 | 40,000 |
| TX | Fort Hood | Unmanned Aerial System Hangar | 55,000 | 55,000 |
| VA | Fort A.P. Hill | Known Distance Range | 3,800 | 3,800 |
| VA | Fort A.P. Hill | Light Demolition Range | 4,100 | 4,100 |
| VA | Fort Lee | Company Operations Facility | 4,900 | 4,900 |
| VA | Fort Lee | Training Aids Center | 5,800 | 5,800 |
| VA | Fort A.P. Hill | Indoor Firing Range | 6,200 | 6,200 |
| VA | Fort Lee | Automated Qualification Training Range ... | 7,700 | 7,700 |
| VA | Fort A.P. Hill | 1200 Meter Range | 14,500 | 14,500 |
| VA | Fort Eustis | Warrior in Transition Complex | 18,000 | 18,000 |
| VA | Fort Lee | Museum Operations Support Building | 30,000 | 30,000 |
| VA | Fort A.P. Hill | Military Operation Urban Terrain Collective Training Facility | 65,000 | 65,000 |
| WA | Yakima | Sniper Field Fire Range | 3,750 | 3,750 |
| WA | Fort Lewis | Rappelling Training Area | 5,300 | 5,300 |
| WA | Fort Lewis | Regional Logistic Support Complex Warehouse | 16,500 | 16,500 |

| Army: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| WA | Fort Lewis | Barracks Complex | 40,000 | 40,000 |
| WA | Fort Lewis | Barracks | 47,000 | 47,000 |
| WA | Fort Lewis | Regional Logistic Support Complex | 63,000 | 63,000 |
| ZU | Various | Training Barracks | 190,000 | 190,000 |

1 (b) OUTSIDE THE UNITED STATES.—The Secretary
 2 of the Army may acquire real property and carry out mili-
 3 tary construction projects for the installations or locations
 4 outside the United States, and subject to the purpose,
 5 total amount authorized, and authorization of appropria-
 6 tions specified for each project, set forth in the following
 7 table:

| Army: Military Construction Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|---|----------------|---------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AF | Bagram AB | Joint Defense Operations Center | 2,800 | 2,800 |
| AF | Bagram AB | Entry Control Point | 7,500 | 7,500 |
| AF | Bagram AB | Eastside Electrical Distribution | 10,400 | 10,400 |
| AF | Bagram AB | Consolidated Community Support Area | 14,800 | 14,800 |
| AF | Bagram AB | Barracks | 18,000 | 18,000 |
| AF | Bagram AB | Army Aviation HQ Facilities | 19,000 | 19,000 |
| AF | Bagram AB | Eastside Utilities Infrastructure | 29,000 | 29,000 |
| GY | Wiesbaden AB | Command and Battle Center, Iner 2 | 0 | 59,500 |
| GY | Wiesbaden AB | Construct New Access Control Point | 5,100 | 5,100 |
| GY | Sembach AB | Confinement Facility | 9,100 | 9,100 |
| GY | Ansbach | Physical Fitness Center | 13,800 | 13,800 |
| GY | Grafenwoehr | Barracks | 17,500 | 17,500 |
| GY | Ansbach | Vehicle Maintenance Shop | 18,000 | 18,000 |
| GY | Grafenwoehr | Barracks | 19,000 | 19,000 |
| GY | Grafenwoehr | Barracks | 19,000 | 19,000 |
| GY | Grafenwoehr | Barracks | 20,000 | 20,000 |
| GY | Wiesbaden AB | Information Processing Center | 30,400 | 30,400 |
| GY | Rhine Ordnance Barracks | Barracks Complex | 35,000 | 35,000 |
| GY | Wiesbaden AB | Sensitive Compartmented Information Facility Inc 1 | 91,000 | 46,000 |
| HO | Soto Cano AB | Barracks | 20,400 | 20,400 |
| IT | Vicenza | Brigade Complex - Barracks/Community, Iner 4 | 0 | 13,000 |
| IT | Vicenza | Brigade Complex - Operations Support Facility, Iner 4 | 0 | 13,000 |
| KR | Camp Walker | Electrical System Upgrade & Natural Gas System | 19,500 | 19,500 |

8 (c) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) INSIDE THE UNITED STATES.—For military
 10 construction projects inside the United States au-
 11 thorized by subsection (a), funds are hereby author-
 12 ized to be appropriated for fiscal years beginning

1 after September 30, 2010, in the total amount of
2 \$3,456,462,000.

3 (2) OUTSIDE THE UNITED STATES.—For mili-
4 tary construction projects outside the United States
5 authorized by subsection (b), funds are hereby au-
6 thorized to be appropriated for fiscal years begin-
7 ning after September 30, 2010, in the total amount
8 of \$459,800,000.

9 (3) UNSPECIFIED MINOR MILITARY CONSTRUC-
10 TION PROJECTS.—For unspecified minor military
11 construction projects authorized by section 2805 of
12 title 10, United States Code, funds are hereby au-
13 thorized to be appropriated for fiscal years begin-
14 ning after September 30, 2010, in the total amount
15 of \$26,450,000.

16 (4) HOST NATION SUPPORT AND CERTAIN
17 SERVICES AND DESIGN.—For host nation support
18 and architectural and engineering services and con-
19 struction design under section 2807 of title 10,
20 United States Code, funds are hereby authorized to
21 be appropriated for fiscal years beginning after Sep-
22 tember 30, 2010, in the total amount of
23 \$255,462,000.

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—The Sec-
 3 retary of the Army may construct or acquire family hous-
 4 ing units (including land acquisition and supporting facili-
 5 ties) at the installations or locations, and subject to the
 6 purpose and number of units, total amount authorized,
 7 and authorization of appropriations specified for each
 8 project, set forth in the following table:

| Army: Family Housing (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|--|-------------------|------------------------------------|
| Location | Installation or Location | Purpose of Project and Number of Units | Project Amount | Authorization of Appropriations |
| AK | Fort Wainwright | Family Housing Replacement Con- struction (110 units) | 21,000 | 21,000 |
| GY | Baumholder | Family Housing Replacement Con- struction (64 units) | 34,329 | 34,329 |

9 (b) PLANNING AND DESIGN.—The Secretary of the
 10 Army may carry out architectural and engineering services
 11 and construction design activities with respect to the con-
 12 struction or improvement of family housing units in an
 13 amount not to exceed \$2,040,000.

14 (c) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 15 UNITS.—Subject to section 2825 of title 10, United States
 16 Code, the Secretary of the Army may improve existing
 17 military family housing units in an amount not to exceed
 18 \$35,000,000.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Funds
 20 are hereby authorized to be appropriated for fiscal years
 21 beginning after September 30, 2010—

1 (1) for construction and acquisition, planning
2 and design, and improvement of military family
3 housing and facilities authorized by subsections (a),
4 (b), and (c) in the total amount of \$92,369,000; and

5 (2) for support of military family housing (in-
6 cluding the functions described in section 2833 of
7 title 10, United States Code), in the total amount of
8 \$518,140,000.

9 **SEC. 2103. USE OF UNOBLIGATED ARMY MILITARY CON-**
10 **STRUCTION FUNDS IN CONJUNCTION WITH**
11 **FUNDS PROVIDED BY THE COMMONWEALTH**
12 **OF VIRGINIA TO CARRY OUT CERTAIN FISCAL**
13 **YEAR 2002 PROJECT.**

14 (a) FIRE STATION AT FORT BELVOIR, VIRGINIA.—
15 Section 2836(d) of the Military Construction Authoriza-
16 tion Act for Fiscal Year 2002 (division B of Public Law
17 107–107; 115 Stat. 1314), as most recently amended by
18 section 2849 of the John Warner National Defense Au-
19 thorization Act for Fiscal Year 2007 (Public Law 109–
20 364; 120 Stat. 2486), is further amended—

21 (1) in paragraph (2), by inserting “through a
22 project for construction of an Army standard-design,
23 two-company fire station at Fort Belvoir, Virginia,”
24 after “Building 191”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(3) The Secretary may use up to \$3,900,000 of
4 available, unobligated Army military construction funds
5 appropriated for a fiscal year before fiscal year 2011, in
6 conjunction with the funds provided under paragraph (1),
7 for the project described in paragraph (2).”.

8 (b) CONGRESSIONAL NOTIFICATION.—The Secretary
9 of the Army shall provide information, in accordance with
10 section 2851(c) of title 10, United States Code, regarding
11 the project described in the amendment made by sub-
12 section (a). If it becomes necessary to exceed the estimated
13 project cost of \$8,780,000, including \$4,880,000 contrib-
14 uted by the Commonwealth of Virginia, the Secretary shall
15 utilize the authority provided by section 2853 of such title
16 regarding authorized cost and scope of work variations.

17 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
18 **CERTAIN FISCAL YEAR 2009 PROJECT.**

19 The table in section 2101(b) of the Military Con-
20 struction Authorization Act for Fiscal Year 2009 (division
21 B of Public Law 110–417; 122 Stat. 4661) is amended
22 by striking “Katterbach” and inserting “Grafenwoehr”.

1 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2010 PROJECT.**

3 In the case of the authorization contained in the table
 4 in section 2101(a) of the Military Construction Authoriza-
 5 tion Act for Fiscal Year 2010 (division B of Public Law
 6 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for con-
 7 struction of a Brigade Complex at the installation, the
 8 Secretary of the Army may construct up to a 40,100
 9 square-foot brigade headquarters consistent with the
 10 Army’s construction guidelines for brigade headquarters.

11 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 12 **FISCAL YEAR 2008 PROJECTS.**

13 (a) **EXTENSION.**—Notwithstanding section 2002 of
 14 the Military Construction Authorization Act for Fiscal
 15 Year 2008 (division B of Public Law 110–181; 122 Stat.
 16 503), authorizations set forth in the table in subsection
 17 (b), as provided in section 2101 of that Act (122 Stat.
 18 504), shall remain in effect until October 1, 2011, or the
 19 date of the enactment of an Act authorizing funds for mili-
 20 tary construction for fiscal year 2012, whichever is later.

21 (b) **TABLE.**—The table referred to in subsection (a)
 22 is as follows:

Army: Extension of 2008 Project Authorizations

| State | Installation or Location | Project | Amount |
|-----------------|--------------------------|--------------------------------------|--------------|
| Georgia | Fort Stewart | Unit Operations Facilities | \$16,000,000 |
| Hawaii | Schofield Barracks | Tactical Vehicle Wash Fa- cility. | \$10,200,000 |
| | | Barracks Complex | \$51,000,000 |
| Louisiana | Fort Polk | Brigade Headquarters | \$9,800,000 |

Army: Extension of 2008 Project Authorizations—Continued

| State | Installation or Location | Project | Amount |
|------------------|--------------------------|------------------------------------|-------------|
| Missouri | Fort Leonard Wood | Child Care Facility | \$6,100,000 |
| | | Multipurpose Machine Gun Range. | \$4,150,000 |
| Oklahoma | Fort Sill | Multipurpose Machine Gun Range. | \$3,300,000 |
| Washington | Fort Lewis | Alternative Fuel Facility .. | \$3,300,000 |

1 **TITLE XXII—NAVY MILITARY**
2 **CONSTRUCTION**

3 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
4 **ACQUISITION PROJECTS AND AUTHORIZA-**
5 **TION OF APPROPRIATIONS.**

6 (a) INSIDE THE UNITED STATES.—The Secretary of
7 the Navy may acquire real property and carry out military
8 construction projects for the installations or locations in-
9 side the United States, and subject to the purpose, total
10 amount authorized, and authorization of appropriations
11 specified for each project, set forth in the following table:

| Navy: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AL | Mobile | T-6 Outlying Landing Field | 29,082 | 29,082 |
| AZ | Yuma | Aircraft Maintenance Hangar | 40,600 | 40,600 |
| AZ | Yuma | Aircraft Maintenance Hangar | 63,280 | 63,280 |
| AZ | Yuma | Communications Infrastructure Upgrade | 63,730 | 63,730 |
| AZ | Yuma | Intermediate Maintenance Activity Facility | 21,480 | 21,480 |
| AZ | Yuma | Simulator Facility | 36,060 | 36,060 |
| AZ | Yuma | Utilities Infrastructure Upgrades | 44,320 | 44,320 |
| AZ | Yuma | Van Pad Complex Relocation | 15,590 | 15,590 |
| CA | Coronado NB | Maritime Expeditionary Security Group-One (MESG-1) Consolidated Boat Maintenance Facility | 6,890 | 6,890 |
| CA | Monterey NSA | International Academic Instruction Building | 11,960 | 11,960 |
| CA | Camp Pendleton | Bachelor Enlisted Quarters - 13 Area | 42,864 | 42,864 |
| CA | Camp Pendleton | Bachelor Enlisted Quarters - Las Flores | 37,020 | 37,020 |
| CA | Camp Pendleton | Center for Naval Aviation Technical Training/Fleet Replacement Squadron - Aviation Training and Bachelor Enlisted Quarters | 66,110 | 66,110 |
| CA | Camp Pendleton | Conveyance/Water Treatment | 100,700 | 100,700 |
| CA | Camp Pendleton | Marine Aviation Logistics Squadron-39 Maintenance Hangar Expansion | 48,230 | 48,230 |
| CA | Camp Pendleton | Marine Corps Energy Initiative | 9,950 | 9,950 |
| CA | Camp Pendleton | North Region Tert Treat Plant (Incremented) | 0 | 30,000 |
| CA | Camp Pendleton | Small Arms Magazine - Edson Range | 3,760 | 3,760 |
| CA | Camp Pendleton | Truck Company Operations Complex | 53,490 | 53,490 |
| CA | Coronado | Rotary Hangar | 67,160 | 67,160 |

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|---|--|----------------|---------------------------------|
| CA | Miramar | Aircraft Maintenance Hangar | 90,490 | 90,490 |
| CA | Miramar | Hangar 4 | 33,620 | 33,620 |
| CA | Miramar | Parking Apron/ Taxiway Expansion | 66,500 | 66,500 |
| CA | San Diego | Bachelor Enlisted Quarters, Homeport Ashore | 75,342 | 75,342 |
| CA | San Diego | Berthing Pier 12 Replace & Dredging, Ph 1 | 108,414 | 108,414 |
| CA | San Diego | Marine Corps Energy Initiative | 9,950 | 9,950 |
| CA | Twentynine Palms | Bachelor Enlisted Quarters & Parking Structure | 53,158 | 53,158 |
| FL | Panama City NSA | Purchase 9 Acres | 5,960 | 5,960 |
| FL | Blount Island | Consolidated Warehouse Facility | 17,260 | 17,260 |
| FL | Blount Island | Container Staging and Loading Lot | 5,990 | 5,990 |
| FL | Blount Island | Container Storage Lot | 4,910 | 4,910 |
| FL | Blount Island | Hardstand Extension | 17,930 | 17,930 |
| FL | Blount Island | Paint and Blast Facility | 18,840 | 18,840 |
| FL | Blount Island | Washrack Expansion | 9,690 | 9,690 |
| FL | Tampa | Joint Comms Support Element Vehicle Paint Facility | 2,300 | 2,300 |
| GA | Albany MCLB | Maintenance Center Test Firing Range | 5,180 | 5,180 |
| GA | Kings Bay | Security Enclave & Vehicle Barriers | 45,004 | 45,004 |
| GA | Kings Bay | Waterfront Emergency Power | 15,660 | 15,660 |
| HI | Camp Smith | Physical Fitness Center | 29,960 | 29,960 |
| HI | Kaneohe Bay | Bachelor Enlisted Quarters | 90,530 | 90,530 |
| HI | Kaneohe Bay | Waterfront Operations Facility | 19,130 | 19,130 |
| HI | Pearl Harbor | Center for Disaster Mgt/Humanitarian Assistance | 9,140 | 9,140 |
| HI | Pearl Harbor | Joint POW/MIA Accounting Command | 99,328 | 99,328 |
| MD | Patuxent River NAS | Atlantic Test Range Addition | 10,160 | 10,160 |
| MD | Indian Head | Agile Chemical Facility, Ph 2 | 34,238 | 34,238 |
| MD | Patuxent River | Broad Area Maritime Surveillance & E Facility | 42,211 | 42,211 |
| ME | Portsmouth NSY | Structural Shops Addition, Ph 1 | 11,910 | 11,910 |
| NC | Camp Lejeune | 2nd Intel Battalion Maintenance/Ops Complex | 90,270 | 90,270 |
| NC | Camp Lejeune | Armory- II MEF - Wallace Creek | 12,280 | 12,280 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Courthouse Bay | 40,780 | 40,780 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Courthouse Bay | 42,330 | 42,330 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - French Creek | 43,640 | 43,640 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Rifle Range | 55,350 | 55,350 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Wallace Creek | 51,660 | 51,660 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Wallace Creek North | 46,290 | 46,290 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Camp Johnson | 46,550 | 46,550 |
| NC | Camp Lejeune | Explosive Ordnance Disposal Unit Addition - 2nd Marine Logistics Group | 7,420 | 7,420 |
| NC | Camp Lejeune | Hangar | 73,010 | 73,010 |
| NC | Camp Lejeune | Maintenance Hangar | 74,260 | 74,260 |
| NC | Camp Lejeune | Maintenance/Ops Complex - 2ND Air Naval Gunfire Liaison Company | 36,100 | 36,100 |
| NC | Camp Lejeune | Marine Corps Energy Initiative | 9,950 | 9,950 |
| NC | Camp Lejeune | Mess Hall - French Creek | 25,960 | 25,960 |
| NC | Camp Lejeune | Mess Hall Addition - Courthouse Bay | 2,553 | 2,553 |
| NC | Camp Lejeune | Motor Transportation/Communications Maintenance Facility | 18,470 | 18,470 |
| NC | Camp Lejeune | Utility Expansion - Hadnot Point | 56,470 | 56,470 |
| NC | Camp Lejeune | Utility Expansion - French Creek | 56,050 | 56,050 |
| NC | Cherry Point Marine Corps Air Station | Bachelor Enlisted Quarters | 42,500 | 42,500 |
| NC | Cherry Point Marine Corps Air Station | Mariners Bay Land Acquisition - Bogue | 3,790 | 3,790 |
| NC | Cherry Point Marine Corps Air Station | Missile Magazine | 13,420 | 13,420 |
| NC | Cherry Point Marine Corps Air Station | Station Infrastructure Upgrades | 5,800 | 5,800 |
| RI | Newport | Electromagnetic Facility | 27,007 | 27,007 |
| SC | Beaufort | Air Installation Compatible Use Zone Land Acquisition | 21,190 | 21,190 |
| SC | Beaufort | Aircraft Hangar | 46,550 | 46,550 |
| SC | Beaufort | Physical Fitness Center | 15,430 | 15,430 |
| SC | Beaufort | Training and Simulator Facility | 46,240 | 46,240 |
| TX | Kingsville NAS | Youth Center | 2,610 | 2,610 |
| VA | Norfolk | Pier 9 & 10 Upgrades for DDG 1000 | 2,400 | 2,400 |
| VA | Norfolk | Pier 1 Upgrades to Berth USNS Comfort | 10,035 | 10,035 |
| VA | Portsmouth | Ship Repair Pier Replacement | 0 | 100,000 |
| VA | Quantico | Academic Facility Addition - Staff Non Commissioned Officer Academy | 12,080 | 12,080 |

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|--------------------------|---|----------------|---------------------------------|
| VA | Quantico | Bachelor Enlisted Quarters | 37,810 | 37,810 |
| VA | Quantico | Research Center Addition - MCU | 37,920 | 37,920 |
| VA | Quantico | Student Officer Quarters - The Basic School | 55,822 | 55,822 |
| WA | Kitsap NB | Charleston Gate ECP Improvements | 6,150 | 6,150 |
| WA | Bangor | Commander Submarine Development Squadron 5 Laboratory Expansion Ph1 | 16,170 | 16,170 |
| WA | Bangor | Limited Area Emergency Power | 15,810 | 15,810 |
| WA | Bangor | Waterfront Restricted Area Emergency Power | 24,913 | 24,913 |
| WA | Bremerton | Limited Area Product/STRG Complex (incremented) | 0 | 19,116 |

1 (b) OUTSIDE THE UNITED STATES.—The Secretary
2 of the Navy may acquire real property and carry out mili-
3 tary construction projects for the installations or locations
4 outside the United States, and subject to the purpose,
5 total amount authorized, and authorization of appropria-
6 tions specified for each project, set forth in the following
7 table:

Navy: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|--------------------------|--|----------------|---------------------------------|
| BI | SW Asia | Navy Central Command Ammunition Magazines | 89,280 | 89,280 |
| BI | SW Asia | Operations and Support Facilities | 60,002 | 60,002 |
| BI | SW Asia | Waterfront Development, Ph 3 | 63,871 | 63,871 |
| DJ | Camp Lemonier | Camp Lemonier HQ Facility | 12,407 | 12,407 |
| DJ | Camp Lemonier | General Warehouse | 7,324 | 7,324 |
| DJ | Camp Lemonier | Horn of Africa Joint Operations Center | 28,076 | 28,076 |
| DJ | Camp Lemonier | Pave External Roads | 3,824 | 3,824 |
| JA | Atsugi | MH-60R/S Trainer Facility | 6,908 | 6,908 |
| ML | Guam | Anderson AFB North Ramp Parking, Ph 1, Inc 2 | 0 | 93,588 |
| ML | Guam | Anderson AFB North Ramp Utilities, Ph 1, Inc 2 | 0 | 79,350 |
| ML | Guam | Apra Harbor Wharves Improvements, Ph 1 | 0 | 40,000 |
| ML | Guam | Defense Access Roads Improvements | 66,730 | 66,730 |
| ML | Guam | Finegayan Site Prep and Utilities | 147,210 | 147,210 |
| SP | Rota | Air Traffic Control Tower | 23,190 | 23,190 |

8 (c) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) INSIDE THE UNITED STATES.—For military
10 construction projects inside the United States au-
11 thorized by subsection (a), funds are hereby author-
12 ized to be appropriated for fiscal years beginning

1 after September 30, 2010, in the total amount of
2 \$3,077,237,000.

3 (2) OUTSIDE THE UNITED STATES.—For mili-
4 tary construction projects outside the United States
5 authorized by subsection (b), funds are hereby au-
6 thorized to be appropriated for fiscal years begin-
7 ning after September 30, 2010, in the total amount
8 of \$721,760,000.

9 (3) UNSPECIFIED MINOR MILITARY CONSTRUC-
10 TION PROJECTS.—For unspecified minor military
11 construction projects authorized by section 2805 of
12 title 10, United States Code, funds are hereby au-
13 thorized to be appropriated for fiscal years begin-
14 ning after September 30, 2010, in the total amount
15 of \$20,877,000.

16 (4) ARCHITECTURAL AND ENGINEERING SERV-
17 ICES AND CONSTRUCTION DESIGN.—For architec-
18 tural and engineering services and construction de-
19 sign under section 2807 of title 10, United States
20 Code, funds are hereby authorized to be appro-
21 priated for fiscal years beginning after September
22 30, 2010, in the total amount of \$121,765,000.
23 None of the funds appropriated pursuant to this au-
24 thorization of appropriations may be used for archi-
25 tectural and engineering services and construction

1 design of any military construction project necessary
 2 to establish a homeport for a nuclear-powered air-
 3 craft carrier at Naval Station Mayport, Florida.

4 **SEC. 2202. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—The Sec-
 6 retary of the Navy may construct or acquire family hous-
 7 ing units (including land acquisition and supporting facili-
 8 ties) at the installations or locations, and subject to the
 9 purpose and number of units, total amount authorized,
 10 and authorization of appropriations specified for each
 11 project, set forth in the following table:

| Navy: Family Housing (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|---|-------------------|------------------------------------|
| Location | Installation or Location | Purpose of Project and Number of Units | Project Amount | Authorization of Appropriations |
| GB | Guantanamo Bay | Replace GTMO Housing | 37,169 | 37,169 |

12 (b) PLANNING AND DESIGN.—The Secretary of the
 13 Navy may carry out architectural and engineering services
 14 and construction design activities with respect to the con-
 15 struction or improvement of family housing units in an
 16 amount not to exceed \$3,255,000.

17 (c) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 18 UNITS.—Subject to section 2825 of title 10, United States
 19 Code, the Secretary of the Navy may improve existing
 20 military family housing units in an amount not to exceed
 21 \$146,020,000.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Funds
2 are hereby authorized to be appropriated for fiscal years
3 beginning after September 30, 2010—

4 (1) for construction and acquisition, planning
5 and design, and improvement of military family
6 housing and facilities authorized by subsections (a),
7 (b), and (c) in the total amount of \$186,444,000;
8 and

9 (2) for support of military family housing (in-
10 cluding the functions described in section 2833 of
11 title 10, United States Code), in the total amount of
12 \$366,346,000.

13 **SEC. 2203. TECHNICAL AMENDMENT TO REFLECT MULTI-**
14 **INCREMENT FISCAL YEAR 2010 PROJECT.**

15 Section 2204 of the Military Construction Authoriza-
16 tion Act for Fiscal Year 2010 (division B of Public Law
17 111–84; 123 Stat. 2634), is amended—

18 (1) in subsection (a), by adding at the end the
19 following new paragraph:

20 “(14) For the construction of the first incre-
21 ment of a tertiary water treatment plant at Marine
22 Corps Base, Camp Pendleton, California, authorized
23 by section 2201(a), \$112,330,000.”; and

24 (2) in subsection (b), by adding at the end the
25 following new paragraph:

1 “(7) \$30,000,000 (the balance of the amount
 2 authorized under section 2201(a) for North Region
 3 Tertiary Treatment Plant, Camp Pendleton, Cali-
 4 fornia).”.

5 **SEC. 2204. EXTENSION OF AUTHORIZATION OF CERTAIN**
 6 **FISCAL YEAR 2008 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2008 (division B of Public Law 110–181; 122 Stat.
 10 503), the authorization set forth in the table in subsection
 11 (b), as provided in section 2201(c) of that Act (122 Stat.
 12 511), shall remain in effect until October 1, 2011, or the
 13 date of the enactment of an Act authorizing funds for mili-
 14 tary construction for fiscal year 2012, whichever is later.

15 (b) TABLE.—The table referred to in subsection (a)
 16 is as follows:

Navy: Extension of 2008 Project Authorization

| Location | Installation or Location | Project | Amount |
|-----------------|--------------------------|----------------------------------|-------------|
| Worldwide | Unspecified | Host Nation Infrastruc- ture. | \$2,700,000 |

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHOR- IZATION 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 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:

| Air Force: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AK | Eielson AFB | Repair Central Heat Plant & Power Plant Boilers | 28,000 | 28,000 |
| AK | Elmendorf AFB | Add/Alter Air Support Operations Squadron Training | 4,749 | 4,749 |
| AK | Elmendorf AFB | Construct Railhead Operations Facility | 15,000 | 15,000 |
| AK | Elmendorf AFB | F-22 Add/Alter Weapons Release Systems Shop | 10,525 | 10,525 |
| AL | Maxwell AFB | ADAL Air University Library | 13,400 | 13,400 |
| AZ | Davis-Monthan AFB | Aerospace Maintenance and Regeneration Group Hangar | 25,000 | 25,000 |
| AZ | Davis-Monthan AFB | HC-130 Aerospace Ground Equipment Maintenance Facility | 4,600 | 4,600 |
| AZ | Davis-Monthan AFB | HC-130J Aerial Cargo Facility | 10,700 | 10,700 |
| AZ | Davis-Monthan AFB | HC-130J Parts Store | 8,200 | 8,200 |
| AZ | Fort Huachuca | Total Force Integration-Predator Launch and Recovery Element Beddown | 11,000 | 11,000 |
| CA | Los Angeles AFB | Parking Garage, Ph 2 | 4,500 | 4,500 |
| CO | Buckley AFB | Security Forces Operations Facility | 12,160 | 12,160 |
| CO | Peterson AFB | Rapid Attack Identification Detection Repair System Space Control Facility | 24,800 | 24,800 |
| CO | U.S. Air Force Academy | Const Center for Character & Leadership Development | 27,600 | 27,600 |
| DC | Bolling AFB | Joint Air Defense Operations Center | 13,200 | 13,200 |
| DE | Dover AFB | C-5M/C-17 Maintenance Training Facility, Ph 2 | 3,200 | 3,200 |
| FL | Eglin AFB | F-35 Fuel Cell Maintenance Hangar | 11,400 | 11,400 |
| FL | Hurlburt Field | ADAL Special Operations School Facility ... | 6,170 | 6,170 |
| FL | Hurlburt Field | Add to Visiting Quarters (24 Rm) | 4,500 | 4,500 |
| FL | Hurlburt Field | Base Logistics Facility | 24,000 | 24,000 |
| FL | Patrick AFB | Air Force Technical Application Center | 158,009 | 79,009 |
| GA | Robins AFB | Warehouse | 5,500 | 5,500 |
| LA | Barksdale AFB | Weapons Load Crew Training Facility | 18,140 | 18,140 |
| MO | Whiteman AFB | Consolidated Air Ops Facility | 23,500 | 23,500 |
| NC | Pope AFB | Crash/Fire/Rescue Station | 13,500 | 13,500 |
| ND | Minot AFB | Control Tower/Base Operations Facility | 18,770 | 18,770 |
| NJ | McGuire AFB | Base Ops/Command Post Facility (TFI) | 8,000 | 8,000 |
| NJ | McGuire AFB | Dormitory (120 RM) | 18,440 | 18,440 |
| NM | Holloman AFB | Parallel Taxiway, Runway 07/25 | 8,000 | 8,000 |
| NM | Kirtland AFB | Replace Fire Station | 6,800 | 6,800 |

Air Force: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|--------------------------|--|----------------|---------------------------------|
| NM | Cannon AFB | Dormitory (96 rm) | 14,000 | 14,000 |
| NM | Cannon AFB | UAS Squadron Ops Facility | 20,000 | 20,000 |
| NM | Holloman AFB | UAS Add/Alter Maintenance Hangar | 15,470 | 15,470 |
| NM | Holloman AFB | UAS Maintenance Hangar | 22,500 | 22,500 |
| NM | Kirtland AFB | Aerial Delivery Facility Addition | 3,800 | 3,800 |
| NM | Kirtland AFB | Armament Shop | 6,460 | 6,460 |
| NM | Kirtland AFB | H/MC-130 Fuel System Maintenance Facility | 14,142 | 14,142 |
| NV | Creech AFB | UAS Airfield Fire/Crash Rescue Station | 11,710 | 11,710 |
| NV | Nellis AFB | F-35 Add/Alter 422 Test Evaluation Squadron Facility | 7,870 | 7,870 |
| NV | Nellis AFB | F-35 Add/Alter Flight Test Instrumentation Facility | 1,900 | 1,900 |
| NV | Nellis AFB | F-35 Flight Simulator Facility | 13,110 | 13,110 |
| NV | Nellis AFB | F-35 Maintenance Hangar | 28,760 | 28,760 |
| NY | Fort Drum | 20th Air Support Operations Squadron Complex | 20,440 | 20,440 |
| OK | Tinker AFB | Upgrade Building 3001 Infrastructure, Ph 3 | 14,000 | 14,000 |
| SC | Charleston AFB | Civil Engineer Complex (TFI) - Ph 1 | 15,000 | 15,000 |
| TX | Laughlin AFB | Community Event Complex | 10,500 | 10,500 |
| TX | Dyess AFB | C-130J Add/Alter Flight Simulator Facility | 4,080 | 4,080 |
| TX | Ellington Field | Upgrade Unmanned Aerial Vehicle Maintenance Hangar | 7,000 | 7,000 |
| TX | Lackland AFB | Basic Military Training Satellite Classroom/Dining Facility No 2 | 32,000 | 32,000 |
| TX | Lackland AFB | One-Company Fire Station | 5,500 | 5,500 |
| TX | Lackland AFB | Recruit Dormitory, Ph 3 | 67,980 | 67,980 |
| TX | Lackland AFB | Recruit/Family Inprocessing & Info Center | 21,800 | 21,800 |
| UT | Hill AFB | F-22 T-10 Engine Test Cell | 2,800 | 2,800 |
| VA | Langley AFB | F-22 Add/Alter Hangar Bay LO/CR Facility | 8,800 | 8,800 |
| WY | Camp Guernsey | Nuclear/Space Security Tactics Training Center | 4,650 | 4,650 |

1 (b) OUTSIDE THE UNITED STATES.—The Secretary
2 of the Air Force may acquire real property and carry out
3 military construction projects for the installations or loca-
4 tions outside the United States, and subject to the pur-
5 pose, total amount authorized, and authorization of appro-
6 priations specified for each project, set forth in the fol-
7 lowing table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|--------------------------|--|----------------|---------------------------------|
| AF | Bagram AFB | Consolidated Rigging Facility | 9,900 | 9,900 |
| AF | Bagram AFB | Fighter Hangar | 16,480 | 16,480 |
| AF | Bagram AFB | MEDEVAC Ramp Expansion/Fire Station | 16,580 | 16,580 |
| BI | SW Asia | North Apron Expansion | 45,000 | 45,000 |
| GU | Andersen AFB | Combat Communications Operations Facility | 9,200 | 9,200 |
| GU | Andersen AFB | Commando Warrior Open Bay Student Barracks | 11,800 | 11,800 |
| GU | Andersen AFB | Guam Strike Ops Group & Tanker Task Force | 9,100 | 9,100 |
| GU | Andersen AFB | Guam Strike South Ramp Utilities, Ph 1 | 12,200 | 12,200 |
| GU | Andersen AFB | Red Horse Headquarters/Engineering Facility | 8,000 | 8,000 |
| GY | Kapaun | Dormitory (128 RM) | 19,600 | 19,600 |
| GY | Ramstein AB | Unmanned Aerial System Satellite Communication Relay Pads & Facility | 10,800 | 10,800 |

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|----------------------------------|--|----------------|---------------------------------|
| GY | Ramstein AFB | Construct C-130J Flight Simulator Facility | 8,800 | 8,800 |
| GY | Ramstein AFB | Deicing Fluid Storage & Dispensing Facility | 2,754 | 2,754 |
| GY | Vilseck | Air Support Operations Squadron Complex | 12,900 | 12,900 |
| IT | Aviano AFB | Air Support Operations Squadron Facility | 10,200 | 10,200 |
| IT | Aviano AFB | Dormitory (144 RM) | 19,000 | 19,000 |
| KR | Kunsan AFB | Construct Distributed Mission Training Flight Simulator Facility | 7,500 | 7,500 |
| QA | Al Udeid | Blatchford-Preston Complex Ph 2 | 62,300 | 62,300 |
| UK | Royal Air Force Mildenhall | Extend Taxiway Alpha | 15,000 | 15,000 |

1 (c) UNSPECIFIED WORLDWIDE.—The Secretary of
 2 the Air Force may acquire real property and carry out
 3 military construction projects at various unspecified in-
 4 stallations or locations, and subject to the purpose, total
 5 amount authorized, and authorization of appropriations
 6 specified for each project, set forth in the following table:

Air Force: Unspecified Worldwide
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|---------------------------------------|---|----------------|---------------------------------|
| ZU | Unspecified Worldwide Locations | F-35 Academic Training Center | 54,150 | 54,150 |
| ZU | Unspecified Worldwide Locations | F-35 Flight Simulator Facility | 12,190 | 12,190 |
| ZU | Various Worldwide Locations | F-35 Squadron Operations Facility | 10,260 | 10,260 |

7 (d) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) INSIDE THE UNITED STATES.—For military
 9 construction projects inside the United States au-
 10 thorized by subsection (a), funds are hereby author-
 11 ized to be appropriated for fiscal years beginning
 12 after September 30, 2010, in the total amount of
 13 \$836,635,000.

14 (2) OUTSIDE THE UNITED STATES.—For mili-
 15 tary construction projects outside the United States
 16 authorized by subsection (b), funds are hereby au-

1 thorized to be appropriated for fiscal years begin-
2 ning after September 30, 2010, in the total amount
3 of \$307,114,000.

4 (3) UNSPECIFIED WORLDWIDE.—For the mili-
5 tary construction projects at unspecified worldwide
6 locations authorized by subsection (c), funds are
7 hereby authorized to be appropriated for fiscal years
8 beginning after September 30, 2010, in the total
9 amount of \$76,600,000.

10 (4) UNSPECIFIED MINOR MILITARY CONSTRUC-
11 TION PROJECTS.—For unspecified minor military
12 construction projects authorized by section 2805 of
13 title 10, United States Code, funds are hereby au-
14 thorized to be appropriated for fiscal years begin-
15 ning after September 30, 2010, in the total amount
16 of \$21,000,000.

17 (5) ARCHITECTURAL AND ENGINEERING SERV-
18 ICES AND CONSTRUCTION DESIGN.—For architec-
19 tural and engineering services and construction de-
20 sign under section 2807 of title 10, United States
21 Code, funds are hereby authorized to be appro-
22 priated for fiscal years beginning after September
23 30, 2010, in the total amount of \$74,424,000.

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—The Sec-
 3 retary of the Air Force may construct or acquire family
 4 housing units (including land acquisition and supporting
 5 facilities) at the installations or locations, and subject to
 6 the purpose and number of units, total amount authorized,
 7 and authorization of appropriations specified for each
 8 project, set forth in the following table:

| Air Force: Family Housing (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--|---|-------------------|------------------------------------|
| Location | Installation or Location | Purpose of Project and Number of Units | Project Amount | Authorization of Appropriations |
| ZU | Various Worldwide loca- tions | Classified Project | 50 | 50 |

9 (b) PLANNING AND DESIGN.—The Secretary of the
 10 Air Force may carry out architectural and engineering
 11 services and construction design activities with respect to
 12 the construction or improvement of family housing units
 13 in an amount not to exceed \$4,225,000.

14 (c) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 15 UNITS.—Subject to section 2825 of title 10, United States
 16 Code, the Secretary of the Air Force may improve existing
 17 military family housing units in an amount not to exceed
 18 \$73,750,000.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Funds
 20 are hereby authorized to be appropriated for fiscal years
 21 beginning after September 30, 2010—

22 (1) for construction and acquisition, planning
 23 and design, and improvement of military family

1 housing and facilities authorized by subsections (a),
 2 (b), and (c) in the total amount of \$78,025,000; and
 3 (2) for support of military family housing (in-
 4 cluding the functions described in section 2833 of
 5 title 10, United States Code), in the total amount of
 6 \$513,792,000.

7 **SEC. 2303. EXTENSION OF AUTHORIZATION OF CERTAIN**
 8 **FISCAL YEAR 2007 PROJECT.**

9 (a) **EXTENSION.**—Notwithstanding section 2701 of
 10 the Military Construction Authorization Act for Fiscal
 11 Year 2007 (division B of Public Law 109–364; 120 Stat.
 12 2463), authorization set forth in the table in subsection
 13 (b), as provided in section 2302 of that Act (120 Stat.
 14 2455) and extended by section 2306 of the Military Con-
 15 struction Authorization Act for Fiscal Year 2010 (division
 16 B of Public Law 111–84; 123 Stat. 2638), shall remain
 17 in effect until October 1, 2011, or the date of the enact-
 18 ment of an Act authorizing funds for military construction
 19 for fiscal year 2012, whichever is later.

20 (b) **TABLE.**—The table referred to in subsection (a)
 21 is as follows:

Air Force: Extension of 2007 Project Authorization

| State | Installation | Project | Amount |
|--------------|------------------------------------|---|---------------|
| Idaho | Mountain Home Air Force Base .. | Replace Family Housing (457 units) | \$107,800,000 |

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **Subtitle A—Defense Agency**
 5 **Authorizations**

6 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 7 **TION AND LAND ACQUISITION PROJECTS**
 8 **AND AUTHORIZATION OF APPROPRIATIONS.**

9 (a) INSIDE THE UNITED STATES.—The Secretary of
 10 Defense may acquire real property and carry out military
 11 construction projects for the Defense Agencies at installa-
 12 tions or locations inside the United States, and subject
 13 to the purpose, total amount authorized, and authorization
 14 of appropriations specified for each project, set forth in
 15 the following table:

| Defense Wide: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|---------------------------|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AZ | Marana | Special Operations Forces Parachute Training Facility | 6,250 | 6,250 |
| AZ | Yuma | Special Operations Forces Military Free Fall Simulator | 8,977 | 8,977 |
| CA | Point Loma Annex | Replace Storage Facility, Iner 3 | 0 | 20,000 |
| CA | Point Mugu | Aircraft Direct Fueling Station | 3,100 | 3,100 |
| CO | Fort Carson | Special Operations Forces Tactical Unmanned Aerial Vehicle Hangar | 3,717 | 3,717 |
| DC | Bolling AFB | Replace Parking Structure, Ph 1 | 3,000 | 3,000 |
| FL | Eglin AFB | Special Operations Forces Ground Support Battalion Detachment | 6,030 | 6,030 |
| GA | Augusta | National Security Agency/Central Security Service Georgia Training Facility | 12,855 | 12,855 |
| GA | Fort Benning | Dexter Elementary School Construct Gym .. | 2,800 | 2,800 |
| GA | Fort Benning | Special Operations Forces Company Support Facility | 20,441 | 20,441 |
| GA | Fort Benning | Special Operations Forces Military Working Dog Kennel Complex | 3,624 | 3,624 |
| GA | Fort Stewart | Health Clinic Addition/Alteration | 35,100 | 35,100 |
| GA | Hunter ANG S | Fuel Unload Facility | 2,400 | 2,400 |
| GA | Hunter Army Airfield | Special Operations Forces Tactical Equipment Maintenance Facility Expansion | 3,318 | 3,318 |
| HI | Hickam AFB | Alter Fuel Storage Tanks | 8,500 | 8,500 |
| HI | Pearl Harbor | Naval Special Warfare Group 3 Command and Operations Facility | 28,804 | 28,804 |
| ID | Mountain Home AFB | Replace Fuel Storage Tanks | 27,500 | 27,500 |
| IL | Scott Air Force Base | Field Command Facility Upgrade | 1,388 | 1,388 |
| KY | Fort Campbell | Special Operations Forces Battalion Ops Complex | 38,095 | 38,095 |

| Defense Wide: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|---|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| MA | Hansecom AFB | Mental Health Clinic Addition | 2,900 | 2,900 |
| MD | Aberdeen Proving Ground | US Army Medical Research Institute of Infectious Diseases Replacement, Inc 3 | 0 | 105,000 |
| MD | Andrews AFB | Replace Fuel Storage & Distribution Facility | 14,000 | 14,000 |
| MD | Bethesda Naval Hospital | National Naval Medical Center Parking Expansion | 17,100 | 17,100 |
| MD | Bethesda Naval Hospital | Transient Wounded Warrior Lodging | 62,900 | 62,900 |
| MD | Fort Detrick | Consolidated Logistics Facility | 23,100 | 23,100 |
| MD | Fort Detrick | Information Services Facility Expansion | 4,300 | 4,300 |
| MD | Fort Detrick | National Interagency Biodefense Campus Security Fencing And Equipment | 2,700 | 2,700 |
| MD | Fort Detrick | Supplemental Water Storage | 3,700 | 3,700 |
| MD | Fort Detrick | US Army Medical Research Institute of Infectious Diseases - Stage I, Inc 5 | 0 | 17,400 |
| MD | Fort Detrick | Water Treatment Plant Repair & Supplement | 11,900 | 11,900 |
| MD | Fort Meade | North Campus Utility Plant | 219,360 | 219,360 |
| MS | Stennis Space Center | Special Operations Forces Land Acquisition, Ph 3 | 8,000 | 8,000 |
| NC | Camp Lejeune | Tarawa Terrace I Elementary School Replace School | 16,646 | 16,646 |
| NC | Fort Bragg | McNair Elementary School - Replace School | 23,086 | 23,086 |
| NC | Fort Bragg | Murray Elementary School - Replace School | 22,000 | 22,000 |
| NC | Fort Bragg | Special Operations Forces Admin/Company Operations | 10,347 | 10,347 |
| NC | Fort Bragg | Special Operations Forces C4 Facility | 41,000 | 41,000 |
| NC | Fort Bragg | Special Operations Forces Joint Intelligence Brigade Facility | 32,000 | 32,000 |
| NC | Fort Bragg | Special Operations Forces Operational Communications Facility | 11,000 | 11,000 |
| NC | Fort Bragg | Special Operations Forces Operations Additions | 15,795 | 15,795 |
| NC | Fort Bragg | Special Operations Forces Operations Support Facility | 13,465 | 13,465 |
| NM | Cannon AFB | Special Operations Forces ADD/ALT Simulator Facility For MC-130 | 13,287 | 13,287 |
| NM | Cannon AFB | Special Operations Forces Aircraft Parking Apron (MC-130j) | 12,636 | 12,636 |
| NM | Cannon AFB | Special Operations Forces C-130 Parking Apron Phase I | 26,006 | 26,006 |
| NM | Cannon AFB | Special Operations Forces Hangar/AMU (MC-130j) | 24,622 | 24,622 |
| NM | Cannon AFB | Special Operations Forces Operations And Training Complex | 39,674 | 39,674 |
| NM | White Sands | Health And Dental Clinics | 22,900 | 22,900 |
| NY | U.S. Military Academy | West Point MS Add/Alt | 27,960 | 27,960 |
| OH | Columbus | Replace Public Safety Facility | 7,400 | 7,400 |
| PA | Def Distribution Depot New Cumberland | Replace Headquarters Facility | 96,000 | 96,000 |
| TX | Fort Bliss | Hospital Replacement, Iner 2 | 0 | 147,100 |
| TX | Lackland AFB | Ambulatory Care Center, Ph 2 | 162,500 | 162,500 |
| UT | Camp Williams | Comprehensive National Cybersecurity Initiative Data Center Increment 2 | 0 | 398,358 |
| VA | Craney Island | Replace Fuel Pier | 58,000 | 58,000 |
| VA | Fort Belvoir | Dental Clinic Replacement | 6,300 | 6,300 |
| VA | Pentagon | Pentagon Metro & Corridor 8 Screening Facility | 6,473 | 6,473 |
| VA | Pentagon | Power Plant Modernization, Ph 3 | 51,928 | 51,928 |
| VA | Pentagon | Secure Access Lane-Remote Vehicle Screening | 4,923 | 4,923 |
| VA | Quantico | New Consolidated Elementary School | 47,355 | 47,355 |
| WA | Fort Lewis | Special Operations Forces Military Working Dogs Kennel | 4,700 | 4,700 |
| WA | Fort Lewis | Preventive Medicine Facility | 8,400 | 8,400 |
| ZU | Unspecified Locations | General Reduction | | -150,000 |

1 (b) OUTSIDE THE UNITED STATES.—The Secretary
2 of Defense may acquire real property and carry out mili-
3 tary construction projects for the Defense Agencies at the

1 installations or locations outside the United States, and
 2 subject to the purpose, total amount authorized, and au-
 3 thorization of appropriations specified for each project, set
 4 forth in the following table:

| Defense Wide: Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|----------------------------------|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| BE | Brussels | NATO Headquarters Facility | 31,863 | 31,863 |
| BE | Brussels | Replace Shape Middle School/High School ... | 67,311 | 67,311 |
| GU | Agana NAS | Hospital Replacement, Iner 2 | 0 | 70,000 |
| GY | Katterbach | Health/Dental Clinic Replacement | 37,100 | 37,100 |
| GY | Panzer Kaserne | Replace Boeblingen High School | 48,968 | 48,968 |
| GY | Vilseck | Health Clinic Add/Alt | 34,800 | 34,800 |
| JA | Kadena AB | Install Fuel Filters-Separators | 3,000 | 3,000 |
| JA | Misawa AB | Hydrant Fuel System | 31,000 | 31,000 |
| KR | Camp Carroll | Health/Dental Clinic Replacement | 19,500 | 19,500 |
| PR | Fort Buchanan | Antilles Elementary School/Intermediate School - Replace School | 58,708 | 58,708 |
| QA | Al Udeid | Qatar Warehouse | 1,961 | 1,961 |
| UK | Menwith Hill Station | Menwith Hill Station PSC Construction - Generators 10 & 11 | 2,000 | 2,000 |
| UK | Royal Air Force Alconbury | Alconbury Elementary School Replacement | 30,308 | 30,308 |
| UK | Royal Air Force Mildenhall | Replace Hydrant Fuel Distribution System | 15,900 | 15,900 |

5 (c) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) INSIDE THE UNITED STATES.—For military
 7 construction projects inside the United States au-
 8 thorized by subsection (a), funds are hereby author-
 9 ized to be appropriated for fiscal years beginning
 10 after September 30, 2010, in the total amount of
 11 \$1,930,120,000.

12 (2) OUTSIDE THE UNITED STATES.—For mili-
 13 tary construction projects outside the United States
 14 authorized by subsection (b), funds are hereby au-
 15 thorized to be appropriated for fiscal years begin-
 16 ning after September 30, 2010, in the total amount
 17 of \$452,419,000.

1 (3) UNSPECIFIED MINOR MILITARY CONSTRUC-
2 TION PROJECTS.—For unspecified minor military
3 construction projects authorized by section 2805 of
4 title 10, United States Code, funds are hereby au-
5 thorized to be appropriated for fiscal years begin-
6 ning after September 30, 2010, in the total amount
7 of \$42,856,000.

8 (4) CONTINGENCY CONSTRUCTION.—For con-
9 tingency construction projects of the Secretary of
10 Defense under section 2804 of title 10, United
11 States Code, funds are hereby authorized to be ap-
12 propriated for fiscal years beginning after September
13 30, 2010, in the total amount of \$10,000,000.

14 (5) ARCHITECTURAL AND ENGINEERING SERV-
15 ICES AND CONSTRUCTION DESIGN.—For architec-
16 tural and engineering services and construction de-
17 sign under section 2807 of title 10, United States
18 Code, funds are hereby authorized to be appro-
19 priated for fiscal years beginning after September
20 30, 2010, in the total amount of \$434,185,000.

21 **SEC. 2402. FAMILY HOUSING.**

22 Funds are hereby authorized to be appropriated for
23 fiscal years beginning after September 30, 2010—

24 (1) for support of military family housing (in-
25 cluding the functions described in section 2833 of

1 title 10, United States Code), in the total amount of
2 \$50,464,000; and

3 (2) for credits to the Department of Defense
4 Family Housing Improvement Fund under section
5 2883 of title 10, United States Code, and the Home-
6 owners Assistance Fund established under section
7 1013 of the Demonstration Cities and Metropolitan
8 Development Act of 1966 (42 U.S.C. 3374), in the
9 total amount of \$17,611,000.

10 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
12 are hereby authorized to be appropriated for fiscal years
13 beginning after September 30, 2010, for energy conserva-
14 tion projects under chapter 173 of title 10, United States
15 Code, \$130,000,000.

16 (b) AVAILABILITY OF FUNDS FOR RESERVE COMPO-
17 NENT PROJECTS.—Of the amount authorized to be appro-
18 priated by subsection (a) for energy conservation projects,
19 the Secretary of Defense shall reserve a portion of the
20 amount for energy conservation projects for the reserve
21 components in an amount that is not less than an amount
22 that bears the same proportion to the total amount au-
23 thorized to be appropriated as the total quantity of energy
24 consumed by reserve facilities (as defined in section
25 18232(2) of title 10, United States Code) during fiscal

1 year 2010 bears to the total quantity of energy consumed
2 by all military installations (as defined in section
3 2687(e)(1) of such title) during that fiscal year, as deter-
4 mined by the Secretary.

5 **Subtitle B—Chemical**
6 **Demilitarization Authorizations**

7 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
8 **ICAL DEMILITARIZATION CONSTRUCTION,**
9 **DEFENSE-WIDE.**

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2010, for mili-
12 tary construction and land acquisition for chemical demili-
13 tarization in the total amount of \$124,971,000, as follows:

14 (1) For the construction of phase 12 of a chem-
15 ical munitions demilitarization facility at Pueblo
16 Chemical Activity, Colorado, authorized by section
17 2401(a) of the Military Construction Authorization
18 Act for Fiscal Year 1997 (division B of Public Law
19 104–201; 110 Stat. 2775), as amended by section
20 2406 of the Military Construction Authorization Act
21 for Fiscal Year 2000 (division B of Public Law 106–
22 65; 113 Stat. 839), section 2407 of the Military
23 Construction Authorization Act for Fiscal Year 2003
24 (division B of Public Law 107–314; 116 Stat.
25 2698), and section 2413 of the Military Construc-

1 tion Authorization Act for Fiscal Year 2009 (divi-
2 sion B of Public Law 110–417; 122 Stat. 4697),
3 \$65,569,000.

4 (2) For the construction of phase 11 of a muni-
5 tions demilitarization facility at Blue Grass Army
6 Depot, Kentucky, authorized by section 2401(a) of
7 the Military Construction Authorization Act for Fis-
8 cal Year 2000 (division B of Public Law 106–65;
9 113 Stat. 835), as amended by section 2405 of the
10 Military Construction Authorization Act for Fiscal
11 Year 2002 (division B of Public Law 107–107; 115
12 Stat. 1298), section 2405 of the Military Construc-
13 tion Authorization Act for Fiscal Year 2003 (divi-
14 sion B of Public Law 107–314; 116 Stat. 2698),
15 and section 2414 of the Military Construction Au-
16 thorization Act for Fiscal Year 2009 (division B of
17 Public Law 110–417; 122 Stat. 4697), \$59,402,000.

18 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **CERTAIN FISCAL YEAR 2000 PROJECT.**

20 (a) MODIFICATION.—The table in section 2401(a) of
21 the Military Construction Authorization Act for Fiscal
22 Year 2000 (division B of Public Law 106–65; 113 Stat.
23 835), as amended by section 2405 of the Military Con-
24 struction Authorization Act for Fiscal Year 2002 (division
25 B of Public Law 107–107; 115 Stat. 1298), section 2405

1 of the Military Construction Authorization Act for Fiscal
2 Year 2003 (division B of Public Law 107–314; 116 Stat.
3 2698), and section 2414 of the Military Construction Au-
4 thorization Act for Fiscal Year 2009 (division B of Public
5 Law 110–417; 122 Stat. 4697), is amended—

6 (1) under the agency heading relating to Chem-
7 ical Demilitarization, in the item relating to Blue
8 Grass Army Depot, Kentucky, by striking
9 “\$492,000,000” in the amount column and inserting
10 “\$746,000,000”; and

11 (2) by striking the amount identified as the
12 total in the amount column and inserting
13 “\$1,203,920,000”.

14 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)
15 of the Military Construction Authorization Act for Fiscal
16 Year 2000 (division B of Public Law 106–65; 113 Stat.
17 839), as amended by section 2405 of the Military Con-
18 struction Authorization Act for Fiscal Year 2002 (division
19 B of Public Law 107–107; 115 Stat. 1298), section 2405
20 of the Military Construction Authorization Act for Fiscal
21 Year 2003 (division B of Public Law 107–314; 116 Stat.
22 2698), and section 2414 of the Military Construction Au-
23 thorization Act for Fiscal Year 2009 (division B of Public
24 Law 110–417; 122 Stat. 4697), is amended by striking
25 “\$469,200,000” and inserting “\$723,200,000”.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2010, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$258,884,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON- STRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPRO- PRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Army National Guard: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|---------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AR | Camp Robinson | Combined Support Maintenance Shop | 30,000 | 30,000 |
| AR | Fort Chaffee | Combined Arms Collective Training Facility | 19,000 | 19,000 |
| AR | Fort Chaffee | Live Fire Shoot House | 2,500 | 2,500 |
| AZ | Florence | Readiness Center | 16,500 | 16,500 |
| CA | Camp Roberts | Combined Arms Collective Training Facility | 19,000 | 19,000 |
| CO | Watkins | Parachute Maintenance Facility | 3,569 | 3,569 |
| CO | Colorado Springs | Readiness Center | 20,000 | 20,000 |
| CO | Fort Carson | Regional Training Institute | 40,000 | 40,000 |
| CO | Gypsum | High Altitude Army Aviation Training Site/ Army Aviation Support Facility | 39,000 | 39,000 |
| CO | Windsor | Readiness Center | 7,500 | 7,500 |
| CT | Windsor Locks | Readiness Center (Aviation) | 41,000 | 41,000 |
| DE | New Castle | Armed Forces Reserve Center (JFHQ) | 27,000 | 27,000 |
| GA | Cumming | Readiness Center | 17,000 | 17,000 |
| GA | Dobbins ARB | Readiness Center Add/Alt | 10,400 | 10,400 |
| HI | Kalaheo | Combined Support Maintenance Shop | 38,000 | 38,000 |
| ID | Gowen Field | Barracks (Operational Readiness Training Complex) Ph1 | 17,500 | 17,500 |
| ID | Mountain Home | Tactical Unmanned Aircraft System Facility | 6,300 | 6,300 |
| IL | Marseilles TA | Simulation Center | 2,500 | 2,500 |
| IL | Springfield | Combined Support Maintenance Shop Add/ Alt | 15,000 | 15,000 |
| KS | Wichita | Field Maintenance Shop | 24,000 | 24,000 |
| KS | Wichita | Readiness Center | 43,000 | 43,000 |
| KY | Burlington | Readiness Center | 19,500 | 19,500 |
| LA | Fort Polk | Tactical Unmanned Aircraft System Facility | 5,500 | 5,500 |
| LA | Minden | Readiness Center | 28,000 | 28,000 |
| MA | Hanscom AFB | Armed Forces Reserve Center (JFHQ) Ph2 | 23,000 | 23,000 |
| MD | St. Inigoes | Tactical Unmanned Aircraft System Facility | 5,500 | 5,500 |
| MI | Camp Grayling Range | Combined Arms Collective Training Facility | 19,000 | 19,000 |
| MN | Arden Hills | Field Maintenance Shop | 29,000 | 29,000 |
| MN | Camp Ripley | Infantry Squad Battle Course | 4,300 | 4,300 |
| MN | Camp Ripley | Tactical Unmanned Aircraft System Facility | 4,450 | 4,450 |
| NC | Morrisville | AASF 1 Fixed Wing Aircraft Hangar Annex | 8,815 | 8,815 |
| NC | High Point | Readiness Center Add/Alt | 1,551 | 1,551 |
| ND | Camp Grafton | Readiness Center Add/Alt | 11,200 | 11,200 |

| Army National Guard: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| NE | Lincoln | Readiness Center Add/Alt | 3,300 | 3,300 |
| NE | Mead | Readiness Center | 11,400 | 11,400 |
| NH | Pembroke | Barracks Facility (Regional Training Institute) | 15,000 | 15,000 |
| NH | Pembroke | Classroom Facility (Regional Training Institute) | 21,000 | 21,000 |
| NM | Farmington | Readiness Center Add/Alt | 8,500 | 8,500 |
| NV | Las Vegas | CST Ready Building | 8,771 | 8,771 |
| NY | Ronkonkoma | Flightline Rehabilitation | 2,780 | 2,780 |
| OH | Camp Sherman | Maintenance Building Add/Alt | 3,100 | 3,100 |
| RI | Middletown | Readiness Center Add/Alt | 3,646 | 3,646 |
| RI | East Greenwich | United States Property & Fiscal Office | 27,000 | 27,000 |
| SD | Watertown | Readiness Center | 25,000 | 25,000 |
| TX | Camp Maxey | Combat Pistol/Military Pistol Qualification Course | 2,500 | 2,500 |
| TX | Camp Swift | Urban Assault Course | 2,600 | 2,600 |
| WA | Tacoma | Combined Support Maintenance Shop | 25,000 | 25,000 |
| WI | Wausau | Field Maintenance Shop | 12,008 | 12,008 |
| WI | Madison | Aircraft Parking | 5,700 | 5,700 |
| WV | Moorefield | Readiness Center | 14,200 | 14,200 |
| WV | Morgantown | Readiness Center | 21,000 | 21,000 |
| WY | Laramie | Field Maintenance Shop | 14,400 | 14,400 |
| ZU | Various | Various | 60,000 | 60,000 |

1 (b) OUTSIDE THE UNITED STATES.—The Secretary
2 of the Army may acquire real property and carry out mili-
3 tary construction projects for the Army National Guard
4 locations outside the United States, and subject to the
5 purpose, total amount authorized, and authorization of ap-
6 propriations specified for each project, set forth in the fol-
7 lowing table:

| Army National Guard: Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|---------------------------------------|----------------|---------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| GU | Barrigada | Combined Support Maint Shop Ph1 | 19,000 | 19,000 |
| PR | Camp Santiago | Live Fire Shoot House | 3,100 | 3,100 |
| PR | Camp Santiago | Multipurpose Machine Gun Range | 9,200 | 9,200 |
| VI | St. Croix | Readiness Center (JFHQ) | 25,000 | 25,000 |

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds
9 are hereby authorized to be appropriated to the Secretary
10 of the Army for fiscal years beginning after September
11 30, 2010, for the costs of acquisition, architectural and
12 engineering services, and construction of facilities for the
13 Army National Guard of the United States, and for con-

1 tributions therefor, under chapter 1803 of title 10, United
 2 States Code (including the cost of acquisition of land for
 3 those facilities), in the total amount of \$1,019,902,000.

4 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 5 **AND LAND ACQUISITION PROJECTS AND AU-**
 6 **THORIZATION OF APPROPRIATIONS.**

7 (a) INSIDE THE UNITED STATES.—The Secretary of
 8 the Army may acquire real property and carry out military
 9 construction projects for the Army Reserve locations in-
 10 side the United States, and subject to the purpose, total
 11 amount authorized, and authorization of appropriations
 12 specified for each project, set forth in the following table:

| Army Reserve: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| CA | Fairfield | Army Reserve Center | 26,000 | 26,000 |
| CA | Fort Hunter Liggett | Equipment Concentration Site Tactical Equipment Maint Facility | 22,000 | 22,000 |
| CA | Fort Hunter Liggett | Equipment Concentration Site Warehouse ... | 15,000 | 15,000 |
| CA | Fort Hunter Liggett | Grenade Launcher Range | 1,400 | 1,400 |
| CA | Fort Hunter Liggett | Hand Grenade Familiarization Range (Live) | 1,400 | 1,400 |
| CA | Fort Hunter Liggett | Light Demolition Range | 2,700 | 2,700 |
| CA | Fort Hunter Liggett | Tactical Vehicle Wash Rack | 9,500 | 9,500 |
| FL | North Fort Myers | Army Reserve Center/Land | 13,800 | 13,800 |
| FL | Orlando | Army Reserve Center/Land | 10,200 | 10,200 |
| FL | Tallahassee | Army Reserve Center/Land | 10,400 | 10,400 |
| GA | Macon | Army Reserve Center/Land | 11,400 | 11,400 |
| IA | Des Moines | Army Reserve Center | 8,175 | 8,175 |
| IL | Quincy | Army Reserve Center/Land | 12,200 | 12,200 |
| IN | Michigan City | Army Reserve Center/Land | 15,500 | 15,500 |
| MA | Devens Reserve Forces Training Area | Automated Record Fire Range | 4,700 | 4,700 |
| MO | Belton | Army Reserve Center | 11,800 | 11,800 |
| NJ | Fort Dix | Automated Multipurpose Machine Gun Range | 9,800 | 9,800 |
| NM | Las Cruces | Army Reserve Center/Land | 11,400 | 11,400 |
| NY | Binghamton | Army Reserve Center/Land | 13,400 | 13,400 |
| TX | Denton | Army Reserve Center/Land | 12,600 | 12,600 |
| TX | Rio Grande | Army Reserve Center/Land | 6,100 | 6,100 |
| TX | San Marcos | Army Reserve Center/Land | 8,500 | 8,500 |
| VA | Fort A.P. Hill | Army Reserve Center | 15,500 | 15,500 |
| VA | Roanoke | Army Reserve Center/Land | 14,800 | 14,800 |
| VA | Fort Story | Army Reserve Center | 11,000 | 11,000 |
| WI | Fort McCoy | AT/MOB Billeting Complex, Ph 1 | 9,800 | 9,800 |
| WI | Fort McCoy | NCO Academy, Ph 2 | 10,000 | 10,000 |
| ZU | Various | Various | 30,000 | 30,000 |

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
 14 are hereby authorized to be appropriated to the Secretary

1 of the Army for fiscal years beginning after September
 2 30, 2010, for the costs of acquisition, architectural and
 3 engineering services, and construction of facilities for the
 4 Army Reserve, and for contributions therefor, under chap-
 5 ter 1803 of title 10, United States Code (including the
 6 cost of acquisition of land for those facilities), in the total
 7 amount of \$358,331,000.

8 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 9 **CORPS RESERVE CONSTRUCTION AND LAND**
 10 **ACQUISITION PROJECTS AND AUTHORIZA-**
 11 **TION OF APPROPRIATIONS.**

12 (a) **INSIDE THE UNITED STATES.**—The Secretary of
 13 the Navy may acquire real property and carry out military
 14 construction projects for the Navy Reserve and Marine
 15 Corps Reserve locations inside the United States, and sub-
 16 ject to the purpose, total amount authorized, and author-
 17 ization of appropriations specified for each project, set
 18 forth in the following table:

| Navy Reserve and Marine Corps Reserve: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| CA | Twentynine Palms | Tank Vehicle Maintenance Facility | 5,991 | 5,991 |
| LA | New Orleans | Joint Air Traffic Control Facility | 16,281 | 16,281 |
| VA | Williamsburg | Navy Ordnance Cargo Logistics Training Camp | 21,346 | 21,346 |
| WA | Yakima | Marine Corps Reserve Center | 13,844 | 13,844 |
| ZU | Various | Various | 15,000 | 15,000 |
| ZU | Various | Various | 15,000 | 15,000 |

19 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
 20 are hereby authorized to be appropriated to the Secretary
 21 of the Navy for fiscal years beginning after September 30,

1 2010, for the costs of acquisition, architectural and engi-
 2 neering services, and construction of facilities for the Navy
 3 Reserve and Marine Corps Reserve, and for contributions
 4 therefor, under chapter 1803 of title 10, United States
 5 Code (including the cost of acquisition of land for those
 6 facilities), in the total amount of \$91,557,000.

7 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 8 **TION AND LAND ACQUISITION PROJECTS**
 9 **AND AUTHORIZATION OF APPROPRIATIONS.**

10 (a) INSIDE THE UNITED STATES.—The Secretary of
 11 the Air Force may acquire real property and carry out
 12 military construction projects for the Air National Guard
 13 locations inside the United States, and subject to the pur-
 14 pose, total amount authorized, and authorization of appro-
 15 priations specified for each project, set forth in the fol-
 16 lowing table:

| Air National Guard: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|---|--|-------------------|------------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AL | Montgomery Regional Airport (ANG) Base ... | Fuel Cell And Corrosion Control Hangar | 7,472 | 7,472 |
| AZ | Davis Monthan AFB | Predator Foe-Active Duty Associate | 4,650 | 4,650 |
| CO | Buckely AFB | Taxiway Juliet and Lima | 4,000 | 4,000 |
| DE | New Castle County Air- port | Joint Forces Operations Center-Ang Share | 1,500 | 1,500 |
| FL | Jacksonville IAP | Security Forces Training Facility | 6,700 | 6,700 |
| GA | Savannah/Hilton Head IAP | Relocate Air Supt Opers Sqdn (Asos) Fac ... | 7,450 | 7,450 |
| HI | Hickam AFB | F-22 Beddown Intrastructure Support | 5,950 | 5,950 |
| HI | Hickam AFB | F-22 Hangar, Squadron Operations And Amu | 48,250 | 48,250 |
| HI | Hickam AFB | F-22 Upgrade Munitions Complex | 17,250 | 17,250 |
| IA | Des Moines IAP | Corrosion Control Hangar | 4,750 | 4,750 |
| IL | Capital Map | CNAF Beddown - Upgrade Facilities | 16,700 | 16,700 |
| IN | Hulman Regional Airport | ASOS Beddown - Upgrade Facilities | 4,100 | 4,100 |
| MA | Barnes ANGB | Add to Aircraft Maintenance Hangar | 6,000 | 6,000 |
| MD | Martin State Airport | Replace Ops and Medical Training Facility | 11,400 | 11,400 |
| MN | Duluth | Load Crew Training and Weapon Release Shops | 8,000 | 8,000 |
| NC | Stanly County Airport ... | Upgrade Asos Facilities | 2,000 | 2,000 |
| NJ | Atlantic City IAP | Fuel Cell and Corrosion Control Hangar | 8,500 | 8,500 |
| NY | Stewart ANGB | Aircraft Conversion Facility | 3,750 | 3,750 |
| NY | Fort Drum | Reaper Infrastructure Support | 2,500 | 2,500 |
| NY | Stewart IAP | Base Defense Group Beddown | 14,250 | 14,250 |
| OH | Toledo Express Airport .. | Replace Security Forces Complex | 7,300 | 7,300 |
| PA | State College ANGS | Add to and Alter AOS Facility | 4,100 | 4,100 |

| Air National Guard: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| SC | McEntire Joint National Guard Base | Replace Operations and Training | 9,100 | 9,100 |
| TN | Nashville IAP | Renovate Intel Squadron Facilities | 5,500 | 5,500 |
| ZU | Various | Various | 50,000 | 50,000 |

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
2 are hereby authorized to be appropriated to the Secretary
3 of the Air Force for fiscal years beginning after September
4 30, 2010, for the costs of acquisition, architectural and
5 engineering services, and construction of facilities for the
6 Air National Guard of the United States, and for con-
7 tributions therefor, under chapter 1803 of title 10, United
8 States Code (including the cost of acquisition of land for
9 those facilities), in the total amount of \$292,371,000.

10 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRU-**
11 **CTION AND LAND ACQUISITION PROJECTS**
12 **AND AUTHORIZATION OF APPROPRIATIONS.**

13 (a) INSIDE THE UNITED STATES.—The Secretary of
14 the Air Force may acquire real property and carry out
15 military construction projects for the Air Force Reserve
16 locations inside the United States, and subject to the pur-
17 pose, total amount authorized, and authorization of appro-
18 priations specified for each project, set forth in the fol-
19 lowing table:

| Air Force Reserve: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| FL | Patrick AFB | Weapons Maintenance Facility | 3,420 | 3,420 |
| NY | Niagara ARS | C-130 Flightline Operations Facility, Ph 1 .. | 9,500 | 9,500 |
| ZU | Various | Various | 30,000 | 30,000 |

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
 2 are hereby authorized to be appropriated to the Secretary
 3 of the Air Force for fiscal years beginning after September
 4 30, 2010, for the costs of acquisition, architectural and
 5 engineering services, and construction of facilities for the
 6 Air Force Reserve, and for contributions therefor, under
 7 chapter 1803 of title 10, United States Code (including
 8 the cost of acquisition of land for those facilities), in the
 9 total amount of \$47,332,000.

10 **SEC. 2606. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 11 **FISCAL YEAR 2008 PROJECTS.**

12 (a) EXTENSION.—Notwithstanding section 2002 of
 13 the Military Construction Authorization Act for Fiscal
 14 Year 2008 (division B of Public Law 110–181; 122 Stat.
 15 503), the authorizations set forth in the table in sub-
 16 section (b), as provided in sections 2601 and 2604 of that
 17 Act (122 Stat. 527, 528), shall remain in effect until Octo-
 18 ber 1, 2011, or the date of the enactment of an Act au-
 19 thorizing funds for military construction for fiscal year
 20 2012, whichever is later.

21 (b) TABLE.—The table referred to in subsection (a)
 22 is as follows:

National Guard: Extension of 2008 Project Authorizations

| State | Installation or Location | Project | Amount |
|------------------|----------------------------|-----------------------------|-------------|
| Pennsylvania ... | East Fallowfield Township. | Readiness Center | \$8,300,000 |
| Vermont | Burlington | Security Improvements | \$6,600,000 |

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **Subtitle A—Authorizations**

5 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
6 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
7 **TIES FUNDED THROUGH DEPARTMENT OF**
8 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2010, for base
11 realignment and closure activities, including real property
12 acquisition and military construction projects, as author-
13 ized by the Defense Base Closure and Realignment Act
14 of 1990 (part A of title XXIX of Public Law 101–510;
15 10 U.S.C. 2687 note) and funded through the Department
16 of Defense Base Closure Account 1990 established by sec-
17 tion 2906 of such Act, in the total amount of
18 \$360,474,000 as follows:

19 (1) For the Department of the Army,
20 \$73,600,000.

21 (2) For the Department of the Navy,
22 \$162,000,000.

23 (3) For the Department of the Air Force,
24 \$124,874,000.

1 **SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLO-**
2 **SURE ACTIVITIES FUNDED THROUGH DE-**
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
4 **COUNT 2005.**

5 Using amounts appropriated pursuant to the author-
6 ization of appropriations in section 2703, the Secretary
7 of Defense may carry out base realignment and closure
8 activities, including real property acquisition and military
9 construction projects, as authorized by the Defense Base
10 Closure and Realignment Act of 1990 (part A of title
11 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
12 funded through the Department of Defense Base Closure
13 Account 2005 established by section 2906A of such Act,
14 in the amount of \$2,354,285,000.

15 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
16 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
17 **TIES FUNDED THROUGH DEPARTMENT OF**
18 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

19 Funds are hereby authorized to be appropriated for
20 fiscal years beginning after September 30, 2010, for base
21 realignment and closure activities, including real property
22 acquisition and military construction projects, as author-
23 ized by the Defense Base Closure and Realignment Act
24 of 1990 (part A of title XXIX of Public Law 101–510;
25 10 U.S.C. 2687 note) and funded through the Department
26 of Defense Base Closure Account 2005 established by sec-

1 tion 2906A of such Act, in the total amount of
2 \$2,354,285,000, as follows:

3 (1) For the Department of the Army,
4 \$1,012,420,000.

5 (2) For the Department of the Navy,
6 \$342,146,000.

7 (3) For the Department of the Air Force,
8 \$127,255,000.

9 (4) For the Defense Agencies, \$872,464,000.

10 **Subtitle B—Other Matters**

11 **SEC. 2711. TRANSPORTATION PLAN FOR BRAC 133 PROJECT**

12 **UNDER FORT BELVOIR, VIRGINIA, BRAC INI-** 13 **TIATIVE.**

14 (a) **LIMITATION ON PROJECT IMPLEMENTATION.—**

15 The Secretary of the Army may not take beneficial occu-
16 pancy of more than 1,000 parking spaces provided by the
17 combination spaces provided by the BRAC 133 project
18 and the lease of spaces in the immediate vicinity of the
19 BRAC 133 project until both of the following occur:

20 (1) The Secretary submits to the congressional
21 defense committees a viable transportation plan for
22 the BRAC 133 project.

23 (2) The Secretary certifies to the congressional
24 defense committees that construction has been com-
25 pleted to provide adequate ingress to and egress

1 from the business park at which the BRAC 133
2 project is located.

3 (b) VIABILITY OF TRANSPORTATION PLAN.—To be
4 considered a viable transportation plan under subsection
5 (a)(1), the transportation plan must provide for the in-
6 gress and egress of all personnel to and from the BRAC
7 133 project site without further reducing the level of serv-
8 ice at the following six intersections:

9 (1) The intersection of Beaugard Street and
10 Mark Center Drive.

11 (2) The intersection of Beaugard Street and
12 Seminary Road.

13 (3) The intersection of Seminary Road and
14 Mark Center Drive.

15 (4) The intersection of Seminary Road and the
16 northbound entrance-ramp to I-395.

17 (5) The intersection of Seminary Road and the
18 northbound exit-ramp from I-395.

19 (6) The intersection of Seminary Road and the
20 southbound exit-ramp from I-395.

21 (c) INSPECTOR GENERAL REPORT.—Not later than
22 September 30, 2011, the Inspector General of the Depart-
23 ment of Defense shall submit to the congressional defense
24 committees a report evaluating the sufficiency and coordi-
25 nation conducted in completing the requisite environ-

1 mental studies associated with the site selection of the
2 BRAC 133 project pursuant to the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The
4 Inspector General shall give specific attention to the trans-
5 portation determinations associated with the BRAC 133
6 project and review and provide comment on the Secretary
7 of Army’s transportation plan and adherence to the limita-
8 tions imposed by subsection (a).

9 (d) DEFINITIONS.—In this section:

10 (1) BRAC 133 PROJECT.—The term “BRAC
11 133 project” refers to the proposed office complex to
12 be developed at an established mixed-use business
13 park in Alexandria, Virginia, to implement rec-
14 ommendation 133 of the Defense Base Closure and
15 Realignment Commission contained in the report of
16 the Commission transmitted to Congress on Sep-
17 tember 15, 2005, under section 2903(e) of the De-
18 fense Base Closure and Realignment Act of 1990
19 (part A of title XXIX of Public Law 101–510; 10
20 U.S.C. 2687 note).

21 (2) LEVEL OF SERVICE.—The term “level of
22 service” has the meaning given that term in the
23 most-recent Highway Capacity Manual of the Trans-
24 portation Research Board.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program and Military Family**
6 **Housing Changes**

7 **SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION IN-**
8 **FORMATION ON INTERNET.**

9 (a) MODIFICATION OF INFORMATION REQUIRED TO
10 BE PROVIDED.—Paragraph (2) of subsection (c) of sec-
11 tion 2851 of title 10, United States Code, is amended—

12 (1) by striking subparagraph (F); and

13 (2) by redesignating subparagraphs (G) and
14 (H) as subparagraphs (F) and (G), respectively.

15 (b) EXPANDED AVAILABILITY OF INFORMATION.—
16 Such subsection is further amended—

17 (1) by striking paragraph (3); and

18 (2) by redesignating paragraph (4) as para-
19 graph (3).

20 (c) CONFORMING AMENDMENTS.—Such subsection is
21 further amended—

22 (1) in paragraph (1), by striking “that, when
23 activated by a person authorized under paragraph
24 (3), will permit the person” and inserting “that will
25 permit a person”; and

1 (2) in paragraph (3), as redesignated by sub-
2 section (b)(2)—

3 (A) by striking “to the persons referred to
4 in paragraph (3)” and inserting “on the Inter-
5 net site required by such paragraph”; and

6 (B) by striking “to such persons”.

7 **SEC. 2802. AUTHORITY TO TRANSFER PROCEEDS FROM**
8 **SALE OF MILITARY FAMILY HOUSING TO DE-**
9 **PARTMENT OF DEFENSE FAMILY HOUSING**
10 **IMPROVEMENT FUND.**

11 (a) **AUTHORITY TO TRANSFER PROCEEDS.**—Section
12 2831 of title 10, United States Code, is amended—

13 (1) in subsection (b), by striking “There” in the
14 matter preceding paragraph (1) and inserting “Ex-
15 cept as authorized by subsection (e), there”;

16 (2) by redesignating subsections (e) and (f) as
17 subsections (f) and (g), respectively;

18 (3) in subsection (g) (as so redesignated), by
19 striking “subsection (e)” both places it appears and
20 inserting “subsection (f)”; and

21 (4) by inserting after subsection (d) the fol-
22 lowing new subsection (e):

23 “(e) **AUTHORITY TO TRANSFER FAMILY HOUSING**
24 **PROCEEDS.**—(1) The Secretary concerned may transfer
25 proceeds of the handling and the disposal of family hous-

1 ing received under subsection (b)(3), less those expenses
2 payable pursuant to section 572(a) of title 40, to the De-
3 partment of Defense Family Housing Improvement Fund
4 established under section 2883(a) of this title.

5 “(2) A transfer under paragraph (1) may be made
6 only after the end of the 30-day period beginning on the
7 date the Secretary concerned submits written notice of,
8 and justification for, the transfer to the appropriate com-
9 mittees of Congress or, if earlier, the end of the 14-day
10 period beginning on the date on which a copy of the notice
11 and justification is provided in an electronic medium pur-
12 suant to section 480 of this title.”.

13 (b) CONFORMING AMENDMENT TO DEPARTMENT OF
14 DEFENSE FAMILY HOUSING IMPROVEMENT FUND.—Sec-
15 tion 2883(c)(1) of such title is amended by adding at the
16 end the following new subparagraph:

17 “(H) Any amounts from the proceeds of the
18 handling and disposal of family housing of a military
19 department transferred to that Fund pursuant to
20 section 2831(e) of this title.”.

21 **SEC. 2803. ENHANCED AUTHORITY FOR PROVISION OF EX-**
22 **CESS CONTRIBUTIONS FOR NATO SECURITY**
23 **INVESTMENT PROGRAM.**

24 Section 2806 of title 10, United States Code, is
25 amended—

1 (1) in subsection (c), by striking “Secretary”
2 the first two places it appears and inserting “Sec-
3 retary of Defense”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(d) If the Secretary of Defense determines that con-
7 struction of facilities described in subsection (a) is nec-
8 essary to advance United States national security or na-
9 tional interest, the Secretary may include the pre-financ-
10 ing and initiation of construction services, which will be
11 provided by the Department of Defense and are not other-
12 wise authorized by law, as an element of the excess North
13 Atlantic Treaty Organization Security Investment pro-
14 gram contributions made under subsection (c).”.

15 **SEC. 2804. DURATION OF AUTHORITY TO USE PENTAGON**
16 **RESERVATION MAINTENANCE REVOLVING**
17 **FUND FOR CONSTRUCTION AND REPAIRS AT**
18 **PENTAGON RESERVATION.**

19 Section 2674(e) of title 10, United States Code, is
20 amended—

21 (1) in paragraph (2), by striking “Monies” and
22 inserting “Subject to paragraph (3), monies”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(3) The authority of the Secretary to use monies
2 from the Fund to support construction, repair, alteration,
3 or related activities for the Pentagon Reservation expires
4 on September 30, 2012.”.

5 **SEC. 2805. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.**

9 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
10 section (h) of section 2808 of the Military Construction
11 Authorization Act for Fiscal Year 2004 (division B of
12 Public Law 108–136; 117 Stat. 1723), as added by sec-
13 tion 2806 of the Military Construction Authorization Act
14 for Fiscal Year 2010 (division B of Public Law 111–84;
15 123 Stat. 2662), is amended—

16 (1) in paragraph (1), by striking “September
17 30, 2010” and inserting “September 30, 2011”; and

18 (2) in paragraph (2), by striking “fiscal year
19 2011” and inserting “fiscal year 2012”.

20 (b) AVAILABILITY OF AUTHORITY.—Subsection
21 (a)(1) of such section is amended—

22 (1) by striking “war,” and inserting “war or”;
23 and

24 (2) by striking “, or a contingency operation”.

1 (c) WAIVER OF ADVANCE NOTIFICATION REQUIRE-
2 MENT.—Subsection (b) of such section is amended—

3 (1) by redesignating paragraphs (1) through
4 (4) as subparagraphs (A) through (D); respectively;

5 (2) by striking “Before using” and inserting
6 “(1) Before using”; and

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

9 “(2) During fiscal year 2011, the Secretary of De-
10 fense may waive the prenotification requirements under
11 paragraph (1) and section 2805(b) of title 10, United
12 States Code, with regard to a construction project carried
13 out under the authority of this section. In the case of any
14 such waiver, the Secretary of Defense shall include in the
15 next quarterly report submitted under subsection (d) the
16 information otherwise required in advance by subpara-
17 graphs (A) through (D) of paragraph (1) with regard to
18 the construction project.”.

19 (d) ANNUAL LIMITATION ON USE OF AUTHORITY IN
20 AFGHANISTAN.—Subsection (c)(2) of such section is
21 amended—

22 (1) by striking “\$300,000,000 in funds avail-
23 able for operation and maintenance for fiscal year
24 2010 may be used in Afghanistan upon completing
25 the prenotification requirements under subsection

1 (b)” and inserting “\$100,000,000 in funds available
2 for operation and maintenance for fiscal year 2011
3 may be used in Afghanistan subject to the notifica-
4 tion requirements under subsection (b)”;

5 (2) by striking “\$500,000,000” and inserting
6 “\$300,000,000”.

7 **SEC. 2806. VETERANS TO WORK PILOT PROGRAM FOR MILI-**
8 **TARY CONSTRUCTION PROJECTS.**

9 (a) VETERANS TO WORK PROGRAM.—Subchapter III
10 of chapter 169 of title 10, United States Code, is amended
11 by inserting after section 2856 the following new section:

12 **“§ 2857. Veterans to Work Pilot Program**

13 “(a) PILOT PROGRAM; PURPOSES.—(1) The Sec-
14 retary of Defense shall establish the Veterans to Work
15 pilot program to determine—

16 “(A) the maximum feasible extent to which ap-
17 prentices who are also veterans may be employed to
18 work on military construction projects designated
19 under subsection (b); and

20 “(B) the feasibility of expanding the employ-
21 ment of apprentices who are also veterans to include
22 military construction projects in addition to those
23 projects designated under subsection (b).

1 “(2) The Secretary of Defense shall establish and
2 conduct the pilot program in consultation with the Sec-
3 retary of Labor and the Secretary of Veterans Affairs.

4 “(b) DESIGNATION OF MILITARY CONSTRUCTION
5 PROJECTS FOR PILOT PROGRAM.—(1) For each of fiscal
6 years 2011 through 2015, the Secretary of Defense shall
7 designate for inclusion in the pilot program not less than
8 20 military construction projects (including unspecified
9 minor military construction projects under section 2805(a)
10 of this title) that will be conducted in that fiscal year.

11 “(2) In designating military construction projects
12 under this subsection, the Secretary of Defense shall—

13 “(A) designate military construction projects
14 that are located where there are veterans enrolled in
15 qualified apprenticeship programs or veterans who
16 could be enrolled in qualified apprenticeship pro-
17 grams in a cost-effective, timely, and feasible man-
18 ner; and

19 “(B) ensure geographic diversity among the
20 States in the military construction projects des-
21 ignated.

22 “(3) Unspecified minor military construction projects
23 may not exceed 40 percent of the military construction
24 projects designated under this subsection for a fiscal year.

1 “(c) CONTRACT PROVISIONS.—Any agreement that
2 the Secretary of Defense enters into for a military con-
3 struction project that is designated for inclusion in the
4 pilot program shall ensure that—

5 “(1) to the maximum extent feasible, appren-
6 tices who are also veterans are employed on that
7 military construction project; and

8 “(2) contractors participate in a qualified ap-
9 prenticeship program.

10 “(d) REPORT.—(1) Not later than 150 days after the
11 end of each fiscal year during which the pilot program
12 is active, the Secretary of Defense shall submit to Con-
13 gress a report that includes the following:

14 “(A) The progress of designated military con-
15 struction projects and the role of apprentices who
16 are also veterans in achieving that progress.

17 “(B) Any challenges, difficulties, or problems
18 encountered in recruiting veterans to become ap-
19 prentices.

20 “(C) Cost differentials in the designated mili-
21 tary construction projects compared to similar
22 projects completed contemporaneously, but not des-
23 ignated for the pilot program.

24 “(D) Evaluation of benefits derived from em-
25 ploying apprentices, including the following:

1 “(i) Workforce sustainability.

2 “(ii) Workforce skills enhancement.

3 “(iii) Increased short- and long-term cost-
4 effectiveness.

5 “(iv) Improved veteran employment in sus-
6 tainable wage fields.

7 “(E) Any other information the Secretary of
8 Defense determines appropriate.

9 “(2) Not later than March 1, 2016, the Secretary of
10 Defense shall submit to Congress a report that—

11 “(A) analyzes the pilot program in terms of its
12 effect on the sustainability of a workforce to meet
13 the military construction needs of the Armed Forces;

14 “(B) analyzes the effects of the pilot program
15 on veteran employment in sustainable wage fields or
16 professions; and

17 “(C) makes recommendations on the continu-
18 ation, modification, or expansion of the pilot pro-
19 gram on the basis of such factors as the Secretary
20 of Defense determines appropriate, including the fol-
21 lowing:

22 “(i) Workforce sustainability.

23 “(ii) Cost-effectiveness.

24 “(iii) Community development.

1 “(3) The Secretary of Defense shall prepare the re-
2 port required by paragraph (2) in consultation with the
3 Secretary of Labor and the Secretary of Veterans Affairs.

4 “(e) DEFINITIONS.—In this section:

5 “(1) The term ‘apprentice’ means an individual
6 who is employed pursuant to, and individually reg-
7 istered in, a qualified apprenticeship program.

8 “(2) The term ‘pilot program’ means the Vet-
9 erans to Work pilot program established under sub-
10 section (a).

11 “(3)(A) Except as provided in subparagraph
12 (B), the term ‘qualified apprenticeship program’
13 means an apprenticeship or other training program
14 that qualifies as an employee welfare benefit plan, as
15 defined in section 3(1) of the Employee Retirement
16 Income Security Act of 1974 (29 U.S.C. 1002(1)).

17 “(B) If the Secretary of Labor determines that
18 a qualified apprenticeship program (as defined in
19 subparagraph (A)) for a craft or trade classification
20 of workers that a prospective contractor or subcon-
21 tractor intends to employ for a military construction
22 project included in the pilot program is not operated
23 in the locality of the project, the Secretary of Labor
24 may expand the definition of qualified apprenticeship
25 program to include another apprenticeship or train-

1 ing program, so long as the apprenticeship or train-
 2 ing program is registered for Federal purposes with
 3 the Office of Apprenticeship of the Department of
 4 Labor or a State apprenticeship agency recognized
 5 by such Office.

6 “(4) The term ‘State’ means any of the States,
 7 the District of Columbia, or territories of Guam,
 8 Puerto Rico, the Northern Mariana Islands, and the
 9 United States Virgin Islands.

10 “(5) The term ‘veteran’ has the meaning given
 11 such term under section 101(2) of title 38.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of such subchapter is amended by insert-
 14 ing after the item relating to section 2856 the following
 15 new item:

“2857. Veterans to Work Pilot Program.”.

16 **Subtitle B—Real Property and**
 17 **Facilities Administration**

18 **SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE**
 19 **TO REAL PROPERTY TRANSACTIONS.**

20 (a) EXCEPTION FOR LEASES UNDER BASE CLOSURE
 21 PROCESS.—Subsection (a)(1)(C) of section 2662 of title
 22 10, United States Code, is amended by inserting after
 23 “United States” the following: “(other than a lease or li-
 24 cense entered into under section 2667(g) of this title)”.

1 (b) REPEAL OF ANNUAL REPORT ON MINOR REAL
2 ESTATE TRANSACTIONS.—Subsection (b) of such section
3 is repealed.

4 (c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Sub-
5 section (c) of such section is amended—

6 (1) by striking “GEOGRAPHIC SCOPE; EX-
7 CEPTED” and inserting “EXCEPTED”;

8 (2) by striking the first sentence; and

9 (3) by striking “It does not” and inserting
10 “This section does not”.

11 (d) REPEAL OF NOTICE AND WAIT REQUIREMENT
12 REGARDING GSA LEASES OF SPACE FOR DOD.—Sub-
13 section (e) of such section is repealed.

14 (e) ADDITIONAL REPORTING REQUIREMENTS RE-
15 GARDING LEASES OF REAL PROPERTY OWNED BY THE
16 UNITED STATES.—Such section is further amended by in-
17 serting after subsection (a) the following new subsection:

18 “(b) ADDITIONAL REPORTING REQUIREMENTS RE-
19 GARDING LEASES OF REAL PROPERTY OWNED BY THE
20 UNITED STATES.—(1) In the case of a proposed lease or
21 license of real property owned by the United States cov-
22 ered by paragraph (1)(C) of subsection (a), the Secretary
23 concerned shall comply with the notice-and-wait require-
24 ments of paragraph (3) of such subsection before—

1 “(A) issuing a contract solicitation or other
2 lease offering with regard to the transaction; and

3 “(B) providing public notice regarding any
4 meeting to discuss a proposed contract solicitation
5 with regard to the transaction.

6 “(2) The report under paragraph (3) of subsection
7 (a) shall include the following with regard to a proposed
8 transaction covered by paragraph (1)(C) of such sub-
9 section:

10 “(A) A description of the proposed transaction,
11 including the proposed duration of the lease or li-
12 cense.

13 “(B) A description of the authorities to be used
14 in entering into the transaction.

15 “(C) A statement of the scored cost of the en-
16 tire transaction, determined using the scoring cri-
17 teria of the Office of Management and Budget.

18 “(D) A determination that the property in-
19 volved in the transaction is not excess property, as
20 required by section 2667(a)(3) of this title, including
21 the basis for the determination.

22 “(E) A determination that the proposed trans-
23 action is directly compatible with the mission of the
24 military installation or Defense Agency at which the
25 property is located and a description of the antici-

1 pated long-term use of the property at the conclu-
2 sion of the lease or license.

3 “(F) A description of the requirements or con-
4 ditions within the contract solicitation or other lease
5 offering for the person making the offer to address
6 taxation issues, including payments-in-lieu-of taxes,
7 and other development issues related to local munici-
8 palities.

9 “(G) If the proposed lease involves a project re-
10 lated to energy production, a certification by the
11 Secretary of Defense that the project, as it will be
12 specified in the contract solicitation or other lease
13 offering, is consistent with the Department of De-
14 fense performance goals and plan required by sec-
15 tion 2911 of this title.

16 “(3) The Secretary concerned may not enter into the
17 actual lease or license with respect to property for which
18 the information required by paragraph (2) was submitted
19 in a report under subsection (a)(3) unless the Secretary
20 again complies with the notice-and-wait requirements of
21 such subsection. The subsequent report shall include the
22 following with regard to the proposed transaction:

23 “(A) A cross reference to the prior report that
24 contained the information submitted under para-
25 graph (2) with respect to the transaction.

1 “(B) A description of the differences between
2 the information submitted under paragraph (2) and
3 the information regarding the transaction being sub-
4 mitted in the subsequent report.

5 “(C) A description of the payment to be re-
6 quired in connection with the lease or license, includ-
7 ing a description of any in-kind consideration that
8 will be accepted.

9 “(D) A description of any community support
10 facility or provision of community support services
11 under the lease or license, regardless of whether the
12 facility will be operated by a covered entity (as de-
13 fined in section 2667(d) of this title) or the lessee
14 or the services will be provided by a covered entity
15 or the lessee.

16 “(E) A description of the competitive proce-
17 dures used to select the lessee or, in the case of a
18 lease involving the public benefit exception author-
19 ized by section 2667(h)(2) of this title, a description
20 of the public benefit to be served by the lease.”.

21 (f) CONFORMING AMENDMENTS.—Such section is
22 further amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1), by striking “the Sec-
25 retary submits” in the matter preceding sub-

1 paragraph (A) and inserting “the Secretary
2 concerned submits”; and

3 (B) in paragraph (3), by striking “the Sec-
4 retary of a military department or the Sec-
5 retary of Defense” and inserting “the Secretary
6 concerned”;

7 (2) by redesignating subsections (f) and (g) as
8 subsections (e) and (f), respectively;

9 (3) in subsection (f), as so redesignated—

10 (A) in paragraph (1), by striking “, and
11 the reporting requirement set forth in sub-
12 section (e) shall not apply with respect to a real
13 property transaction otherwise covered by that
14 subsection,”;

15 (B) in paragraph (3), by striking “or (e),
16 as the case may be”; and

17 (C) by striking paragraph (4); and

18 (4) by adding at the end the following new sub-
19 section:

20 “(g) SECRETARY CONCERNED DEFINED.—In this
21 section, the term ‘Secretary concerned’ includes, with re-
22 spect to Defense Agencies, the Secretary of Defense.”.

23 (g) CONFORMING AMENDMENTS TO LEASE OF NON-
24 EXCESS PROPERTY AUTHORITY.—Section 2667 of such
25 title is amended—

- 1 (1) in subsection (c), by striking paragraph (4);
2 (2) in subsection (d), by striking paragraph (6);
3 (3) in subsection (e)(1), by striking subpara-
4 graph (E); and
5 (4) in subsection (h)—
6 (A) by striking paragraphs (3) and (5);
7 and
8 (B) by redesignating paragraph (4) as
9 paragraph (3).

10 **SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM**
11 **LEASES OF NON-EXCESS PROPERTY INVOLV-**
12 **ING MILITARY MUSEUMS.**

13 Section 2667(e)(1) of title 10, United States Code,
14 as amended by section 2811(g), is amended by inserting
15 after subparagraph (D) the following new subparagraph
16 (E):

17 “(E) If the proceeds deposited in the special account
18 established for the Secretary concerned are derived from
19 activities associated with a military museum described in
20 section 489(a) of this title, the proceeds shall be available
21 for activities described in subparagraph (C) only at that
22 museum.”.

1 **SEC. 2813. REPEAL OF EXPIRED AUTHORITY TO LEASE**
2 **LAND FOR SPECIAL OPERATIONS ACTIVITIES.**

3 (a) REPEAL.—Section 2680 of title 10, United States
4 Code, is repealed.

5 (b) EFFECT OF REPEAL.—The amendment made by
6 subsection (a) shall not affect the validity of any contract
7 entered into under section 2680 of title 10, United States
8 Code, on or before September 30, 2005.

9 (c) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 159 of such title is amended
11 by striking the item relating to section 2680.

12 **SEC. 2814. FORMER NAVAL BOMBARDMENT AREA,**
13 **CULEBRA ISLAND, PUERTO RICO.**

14 (a) IN GENERAL.—Notwithstanding section 204(c) of
15 the Military Construction Authorization Act, 1974 (Public
16 Law 93–166; 87 Stat. 668), and paragraph 9 of the quit-
17 claim deed relating to the island of Culebra in the Com-
18 monwealth of Puerto Rico, the Secretary of Defense—

19 (1) may provide for the removal of any
20 unexploded ordnance and munitions scrap on that
21 portion of Flamenco Beach located within the
22 former bombardment area of the island; and

23 (2) shall conduct a study relating to the pres-
24 ence of unexploded ordnance in the former bombard-
25 ment area transferred to the Commonwealth, with

1 the exception of the area referred to in paragraph
2 (1).

3 (b) CONTENTS OF STUDY.—The study required by
4 subsection (a)(2) shall include the following:

5 (1) An estimate of the type and amount of
6 unexploded ordnance.

7 (2) An estimate of the cost of removing
8 unexploded ordnance.

9 (3) An examination of the impact of such re-
10 moval on any endangered or threatened species and
11 their habitat.

12 (4) An examination of current public access to
13 the former bombardment area.

14 (5) An examination of any threats to public
15 health or safety and the environment from
16 unexploded ordnance.

17 (c) CONSULTATION WITH COMMONWEALTH.—In
18 conducting the study under subsection (a)(2), the Sec-
19 retary of Defense shall consult with the Commonwealth
20 regarding the Commonwealth's planned future uses of the
21 former bombardment area. The Secretary shall consider
22 the Commonwealth's planned future uses in developing
23 any conclusions or recommendations the Secretary may in-
24 clude in the study.

1 (d) SUBMISSION OF REPORT.—Not later than one
2 year after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit to the congressional defense
4 committees a report containing the results of the study
5 conducted under subsection (a)(2).

6 (e) DEFINITIONS.—In this section:

7 (1) The term “quitclaim deed” refers to the
8 quitclaim deed from the United States to the Com-
9 monwealth of Puerto Rico, signed by the Secretary
10 of the Interior on August 11, 1982, for that portion
11 of Tract (1b) consisting of the former bombardment
12 area on the island of Culebra, Puerto Rico.

13 (2) The term “unexploded ordnance” has the
14 meaning given that term by section 101(e)(5) of title
15 10, United States Code.

16 **SEC. 2815. CLARIFICATION OF AUTHORITY OF SECRETARY**
17 **TO ASSIST WITH DEVELOPMENT OF PUBLIC**
18 **INFRASTRUCTURE IN CONNECTION WITH**
19 **THE ESTABLISHMENT OR EXPANSION OF A**
20 **MILITARY INSTALLATION.**

21 Section 2391(b) of title 10, United States Code, is
22 amended—

23 (1) in paragraph (1), by adding at the end the
24 following:

1 “If the proposed or actual establishment or expansion
2 sion of a military installation would otherwise qualify
3 a State or local government for assistance under
4 this paragraph and is the result of base realignment
5 and closure activities authorized by the Defense
6 Base Closure and Realignment Act of 1990 (10
7 U.S.C. 2687 note), the Secretary may make grants,
8 conclude cooperative agreements, and supplement
9 funds available under Federal programs administered
10 by agencies other than the Department of Defense
11 in order to assist the State or local government
12 with development of the public infrastructure
13 (including construction) required by the proposed or
14 actual establishment or expansion.”; and

15 (2) in paragraph (5)(A), by striking “in planning
16 community adjustments and economic diversification”
17 and inserting “as provided in paragraph
18 (1)”.

19 **Subtitle C—Provisions Related to** 20 **Guam Realignment**

21 **SEC. 2821. SENSE OF CONGRESS REGARDING IMPORTANCE** 22 **OF PROVIDING COMMUNITY ADJUSTMENT** 23 **ASSISTANCE TO GOVERNMENT OF GUAM.**

24 It is the Sense of Congress that—

1 (1) for national security reasons, the United
2 States is required from time to time to construct
3 major, new military installations despite the serious
4 adverse impacts that the installations will have on
5 the communities and the areas in which the installa-
6 tions are constructed; and

7 (2) neither the impacted local governments nor
8 the communities in which the installations are con-
9 structed should be expected to bear the full cost of
10 mitigating such adverse impacts.

11 **SEC. 2822. DEPARTMENT OF DEFENSE ASSISTANCE FOR**
12 **COMMUNITY ADJUSTMENTS RELATED TO RE-**
13 **ALIGNMENT OF MILITARY INSTALLATIONS**
14 **AND RELOCATION OF MILITARY PERSONNEL**
15 **ON GUAM.**

16 (a) TEMPORARY ASSISTANCE AUTHORIZED.—

17 (1) ASSISTANCE TO GOVERNMENT OF GUAM.—

18 The Secretary of Defense may assist the Govern-
19 ment of Guam in meeting the costs of providing in-
20 creased municipal services and facilities required as
21 a result of the realignment of military installations
22 and the relocation of military personnel on Guam (in
23 this section referred to as the “Guam realignment”)
24 if the Secretary determines that an unfair and exces-
25 sive financial burden will be incurred by the Govern-

1 ment of Guam to provide the services and facilities
2 in the absence of the Department of Defense assist-
3 ance.

4 (2) MITIGATION OF IDENTIFIED IMPACTS.—The
5 Secretary of Defense may take such actions as the
6 Secretary considers to be appropriate to mitigate the
7 significant impacts identified in the Record of Deci-
8 sion of the “Guam and CNMI Military Relocation
9 Environmental Impact Statement” by providing in-
10 creased municipal services and facilities to activities
11 that directly support the Guam realignment.

12 (b) METHODS TO PROVIDE ASSISTANCE.—

13 (1) USE OF EXISTING PROGRAMS.—The Sec-
14 retary of Defense shall carry out subsection (a)
15 through existing Federal programs.

16 (2) TRANSFER AUTHORITY.—To the extent nec-
17 essary to carry out subsection (a), the Secretary
18 may transfer appropriated funds available to the De-
19 partment of Defense or a military department for
20 operation and maintenance to supplement funds
21 made available to Guam under a Federal program.
22 The transfer authority provided by this paragraph is
23 in addition to the transfer authority provided by sec-
24 tion 1001. Amounts so transferred shall be merged

1 with and be available for the same purposes as the
2 appropriation to which transferred.

3 (3) COST SHARE ASSISTANCE.—The Secretary
4 may use appropriated amounts referred to in para-
5 graph (2) to provide financial assistance to the Gov-
6 ernment of Guam to assist the Government of Guam
7 to pay its share of the costs under Federal programs
8 utilized by the Secretary under paragraph (1).

9 (c) LIMITATION ON PROVISION OF ASSISTANCE.—
10 The total cost of the construction of facilities carried out
11 utilizing the authority provided by subsection (a) may not
12 exceed \$500,000,000.

13 (d) SPECIAL CONSIDERATIONS.—In determining the
14 amount of financial assistance to be made available under
15 this section to the Government of Guam for any commu-
16 nity service or facility, the Secretary of Defense shall con-
17 sult with the head of the department or agency of the Fed-
18 eral Government concerned with the type of service or fa-
19 cility for which financial assistance is being made available
20 and shall take into consideration—

21 (1) the time lag between the initial impact of
22 increased population on Guam and any increase in
23 the local tax base that will result from such in-
24 creased population;

1 “September 30, 2015” and inserting “September 30,
2 2020”.

3 **SEC. 2824. UTILITY CONVEYANCES TO SUPPORT INTE-**
4 **GRATED WATER AND WASTEWATER TREAT-**
5 **MENT SYSTEM ON GUAM.**

6 (a) CONVEYANCE OF UTILITIES.—The Secretary of
7 Defense may convey to the Guam Waterworks Authority
8 (in this section referred to as the “Authority”) all right,
9 title, and interest of the United States in and to the water
10 and wastewater treatment utility systems on Guam, in-
11 cluding the Fena Reservoir, for the purpose of establishing
12 an integrated water and wastewater treatment system on
13 Guam.

14 (b) CONSIDERATION.—

15 (1) CONSIDERATION REQUIRED.—As consider-
16 ation for the conveyance of the water and waste-
17 water treatment utility systems on Guam, the Au-
18 thority shall pay to the Secretary of Defense an
19 amount equal to the fair market value of the utility
20 infrastructure to be conveyed, as determined pursu-
21 ant to an agreement between the Secretary and the
22 Authority.

23 (2) DEFERRED PAYMENTS.—At the discretion
24 of the Authority, the Authority may elect to pay the
25 consideration determined under paragraph (1) in

1 equal annual payments over a period of not more
2 than 25 years, starting with the first year beginning
3 after the date of the conveyance of the water and
4 wastewater treatment utility systems to the Author-
5 ity.

6 (3) ACCEPTANCE OF IN-KIND SERVICES.—The
7 consideration required by paragraph (1) may be paid
8 in cash or in-kind, as acceptable to the Secretary of
9 Defense. The Secretary of Defense, in consultation
10 with the Secretary of the Interior, shall consider the
11 value of in-kind services provided by the Government
12 of Guam pursuant to section 311 of the Compact of
13 Free Association between the Government of the
14 United States and the Government of the Federated
15 States of Micronesia, approved by Congress in the
16 Compact of Free Association Amendments Act of
17 2003 (Public Law 108–188; 117 Stat. 2781), sec-
18 tion 311 of the Compact of Free Association be-
19 tween the Government of the United States and the
20 Government of the Republic of the Marshall Islands,
21 approved by Congress in such Act, and the Compact
22 of Free Association between the Government of the
23 United States and the Government of the Republic
24 of Palau, approved by Congress in the Palau Com-

1 pact of Free Association Act (Public Law 99–658;
2 100 Stat. 3672).

3 (c) CONDITION OF CONVEYANCE.—As a condition of
4 the conveyance under subsection (a), the Secretary of De-
5 fense must obtain at least a 33 percent voting representa-
6 tion on the Guam Consolidated Commission on Utilities,
7 including a proportional representation as chairperson of
8 the Commission.

9 (d) IMPLEMENTATION REPORT.—

10 (1) REPORT REQUIRED.—If the Secretary of
11 Defense determines to use the authority provided by
12 subsection (a) to convey the water and wastewater
13 treatment utility systems to the Authority, the Sec-
14 retary shall submit to the congressional defense com-
15 mittees a report containing—

16 (A) a description of the actions needed to
17 efficiently convey the water and wastewater
18 treatment utility systems to the Authority; and

19 (B) an estimate of the cost of the convey-
20 ance.

21 (2) SUBMISSION.—The Secretary shall submit
22 the report not later than 30 days after the date on
23 which the Secretary makes the determination trig-
24 gering the report requirement.

1 (e) NEW WATER SYSTEMS.—If the Secretary of De-
2 fense determines to use the authority provided by sub-
3 section (a) to convey the water and wastewater treatment
4 utility systems to the Authority, the Secretary shall also
5 enter into an agreement with the Authority, under which
6 the Authority will manage and operate any water well or
7 wastewater treatment plant that is constructed by the Sec-
8 retary of a military department on Guam on or after the
9 date of the enactment of this Act.

10 (f) ADDITIONAL TERM AND CONDITIONS.—The Sec-
11 retary of Defense may require such additional terms and
12 conditions in connection with the conveyance under this
13 section as the Secretary considers appropriate to protect
14 the interests of the United States.

15 (g) TECHNICAL ASSISTANCE.—

16 (1) ASSISTANCE AUTHORIZED; REIMBURSE-
17 MENT.—The Secretary of the Interior, acting
18 through the Commissioner of the Bureau of Rec-
19 lamation, may provide technical assistance to the
20 Secretary of Defense and the Authority regarding
21 the development of plans for the design, construc-
22 tion, operation, and maintenance of integrated water
23 and wastewater treatment utility systems on Guam.

24 (2) CONTRACTING AUTHORITY; CONDITION.—
25 The Secretary of the Interior, acting through the

1 Commissioner of the Bureau of Reclamation, may
2 enter into memoranda of understanding, cooperative
3 agreements, and other agreements with the Sec-
4 retary of Defense to provide technical assistance as
5 described in paragraph (1) under such terms and
6 conditions as the Secretary of the Interior and the
7 Secretary of Defense consider appropriate, except
8 that costs incurred by the Secretary of the Interior
9 to provide technical assistance under paragraph (1)
10 shall be covered by the Secretary of Defense.

11 (3) REPORT AND OTHER ASSISTANCE.—Not
12 later than one year after date of the enactment of
13 this Act, the Secretary of the Interior and the Sec-
14 retary of Defense shall submit to the congressional
15 defense committees, the Committee on Natural Re-
16 sources of the House of Representatives, and the
17 Committee on Energy and Natural Resources of the
18 Senate a report detailing the following:

19 (A) Any technical assistance provided
20 under paragraph (1) and information pertaining
21 to any memoranda of understanding, coopera-
22 tive agreements, and other agreements entered
23 into pursuant to paragraph (2).

24 (B) An assessment of water and waste-
25 water systems on Guam, including cost esti-

1 mates and budget authority, including authori-
2 ties available under the Acts of June 17, 1902,
3 and June 12, 1906 (popularly known as the
4 Reclamation Act; 43 U.S.C. 391) and other au-
5 thority available to the Secretary of the Inte-
6 rior, for financing the design, construction, op-
7 eration, and maintenance of such systems.

8 (C) The needs related to water and waste-
9 water infrastructure on Guam and the protec-
10 tion of water resources on Guam identified by
11 the Authority.

12 **SEC. 2825. REPORT ON TYPES OF FACILITIES REQUIRED TO**
13 **SUPPORT GUAM REALIGNMENT.**

14 (a) **REPORT REQUIRED.**—Not later than 180 days
15 after the date of the enactment of the Act, the Secretary
16 of Defense shall submit to the congressional defense com-
17 mittees a report on the structural integrity of facilities re-
18 quired to support the realignment of military installations
19 and the relocation of military personnel on Guam.

20 (b) **CONTENTS OF REPORT.**—The report required by
21 subsection (a) shall contain the following elements:

22 (1) A threat assessment to the realigned forces,
23 including natural and manmade threats.

24 (2) An evaluation of the types of facilities and
25 the enhanced structural requirements required to

1 deter the threat assessment specified in paragraph
2 (1).

3 (3) An assessment of the costs associated with
4 the enhanced structural requirements specified in
5 paragraph (2).

6 **SEC. 2826. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS**
7 **FOR GUAM.**

8 (a) **REPORT REQUIRED.**—The Secretary of the Inte-
9 rior shall prepare a report—

10 (1) detailing the civilian infrastructure improve-
11 ments needed on Guam to directly and indirectly
12 support and sustain the realignment of military in-
13 stallations and the relocation of military personnel
14 on Guam; and

15 (2) identifying, to the maximum extent prac-
16 tical, the potential funding sources for such improve-
17 ments from other Federal departments and agencies
18 and from existing authorities and funds within the
19 Department of Defense.

20 (b) **CONSULTATION.**—The Secretary of the Interior
21 shall prepare the report required by subsection (a) in con-
22 sultation with the Secretary of Defense, the Government
23 of Guam, and the Interagency Group on the Insular Areas
24 established by Executive Order No. 13537.

1 (c) SUBMISSION.—The Secretary of the Interior shall
2 submit the report required by subsection (a) to the con-
3 gressional defense committees and the Committee on Nat-
4 ural Resources of the House of Representatives, and the
5 Committee on Energy and Natural Resources of the Sen-
6 ate not later than 180 days after the date of the enact-
7 ment of this Act.

8 **SEC. 2827. COMPTROLLER GENERAL REPORT ON PLANNED**
9 **REPLACEMENT NAVAL HOSPITAL ON GUAM.**

10 (a) ASSESSMENT REQUIRED.—The Comptroller Gen-
11 eral of the United States shall review and assess the pro-
12 posed replacement Naval Hospital on Guam to determine
13 whether the size and scope of the hospital will be sufficient
14 to support the current and projected military mission re-
15 quirements and Department of Defense beneficiary popu-
16 lation on Guam.

17 (b) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Comptroller General shall
19 submit to the congressional defense committees a report
20 containing the results of the review and assessment under
21 subsection (a).

1 **Subtitle D—Energy Security**

2 **SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUS-** 3 **TAINABLE PRACTICES IN DEPARTMENT EN-** 4 **ERGY PERFORMANCE PLAN.**

5 Section 2911(c) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (4), by inserting “and hybrid-
8 electric drive” after “alternative fuels”;

9 (2) by redesignating paragraph (9) as para-
10 graph (11) and paragraphs (5) through (8) as para-
11 graphs (6) through (9), respectively;

12 (3) by inserting after paragraph (4) the fol-
13 lowing new paragraph:

14 “(5) Opportunities for the high-performance
15 construction, lease, operation, and maintenance of
16 buildings.”; and

17 (4) by inserting after paragraph (9) (as redesi-
18 gnated by paragraph (2)) the following new para-
19 graph:

20 “(10) The value of incorporating electric, hy-
21 brid-electric, and high efficiency vehicles into vehicle
22 fleets.”.

1 **SEC. 2832. PLAN AND IMPLEMENTATION GUIDELINES FOR**
2 **ACHIEVING DEPARTMENT OF DEFENSE GOAL**
3 **REGARDING USE OF RENEWABLE ENERGY TO**
4 **MEET FACILITY ENERGY NEEDS.**

5 (a) PLAN AND GUIDELINES REQUIRED.—Section
6 2911(e) of title 10, United States Code, is amended—

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

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

11 “(2) The Secretary of Defense, in coordination with
12 the Secretaries of the military departments, shall develop
13 a plan and implementation guidelines for achieving the
14 percentage goal specified in paragraph (1)(A).”.

15 (b) SUBMISSION.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of Defense
17 shall submit to the Committees on Armed Services of the
18 Senate and House of Representatives a report containing
19 the plan and implementation guidelines required by para-
20 graph (2) of section 2911(e) of title 10, United States
21 Code, as added by subsection (a).

22 **SEC. 2833. INSULATION RETROFITTING ASSESSMENT FOR**
23 **DEPARTMENT OF DEFENSE FACILITIES.**

24 (a) SUBMISSION AND CONTENTS OF INSULATION
25 RETROFITTING ASSESSMENT.—Not later than one year
26 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the Committees on Armed Serv-
 2 ices of the Senate and House of Representatives an assess-
 3 ment containing an estimate of—

4 (1) the number of Department of Defense fa-
 5 cilities described in subsection (b); and

6 (2) the overall cost savings and energy savings
 7 to the Department that would result from retro-
 8 fitting those facilities with improved insulation.

9 (b) **FACILITIES INCLUDED IN ASSESSMENT.**—The
 10 assessment requirement in subsection (a) shall apply with
 11 respect to each Department of Defense facility the retro-
 12 fitting of which (as described in such subsection) would
 13 result, over the remaining expected life of the facility, in
 14 an amount of cost savings that is at least twice the
 15 amount of the cost of the retrofitting.

16 **Subtitle E—Land Conveyances**

17 **SEC. 2841. CONVEYANCE OF PERSONAL PROPERTY RE-** 18 **LATED TO WASTE-TO-ENERGY POWER PLANT** 19 **SERVING EIELSON AIR FORCE BASE, ALASKA.**

20 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
 21 the Air Force may convey to the Fairbanks North Star
 22 Borough, Alaska (in this section referred to as the “Bor-
 23 ough”), personal property acquired for the Eielson Air
 24 Force Base Alternate Energy Source Program to be used
 25 for a waste-to-energy power plant that would generate

1 electricity through the burning of waste generated by the
2 Borough, Eielson Air Force Base, and other Federal fa-
3 cilities or State or local government entities.

4 (b) CONSIDERATION.—As consideration for the con-
5 veyance of personal property under subsection (a), the
6 Secretary shall require the Borough to offset Eielson Air
7 Force Base waste disposal fees by the fair market value
8 of the conveyed property.

9 (c) ADDITIONAL TERMS AND CONDITIONS.—The
10 Secretary may require such additional terms and condi-
11 tions in connection with the conveyance under subsection
12 (a) as the Secretary considers appropriate to protect the
13 interests of the United States.

14 **SEC. 2842. LAND CONVEYANCE, WHITTIER PETROLEUM,**
15 **OIL, AND LUBRICANT TANK FARM, WHITTIER,**
16 **ALASKA.**

17 (a) CONVEYANCE AUTHORIZED.—The Secretary of
18 the Army may convey, without consideration, to the City
19 of Whittier, Alaska (in this section referred to as the
20 “City”), all right, title, and interest of the United States
21 in and to parcels of real property, including any improve-
22 ments thereon, consisting of approximately 31 acres at the
23 Whittier Petroleum, Oil, and Lubricant Tank Farm, Whit-
24 tier, Alaska, for the purpose of permitting the City to use
25 the property for local public activities.

1 (b) PAYMENT OF COSTS OF CONVEYANCES.—

2 (1) PAYMENT REQUIRED.—The Secretary shall
3 require the City to cover costs to be incurred by the
4 Secretary, or to reimburse the Secretary for costs in-
5 curred by the Secretary, to carry out the conveyance
6 under subsection (a), including survey costs, costs
7 related to environmental documentation, and other
8 administrative costs related to the conveyance.

9 (2) TREATMENT OF AMOUNTS RECEIVED.—
10 Amounts received as reimbursements under para-
11 graph (1) shall be credited to the fund or account
12 that was used to cover the costs incurred by the Sec-
13 retary in carrying out the conveyance. Amounts so
14 credited shall be merged with amounts in such fund
15 or account and shall be available for the same pur-
16 poses, and subject to the same conditions and limita-
17 tions, as amounts in such fund or account.

18 (c) SAVINGS PROVISION.—Nothing in this section
19 shall be construed to affect or limit the application of, or
20 any obligation to comply with, any environmental law, in-
21 cluding the Comprehensive Environmental Response,
22 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
23 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
24 et seq.).

1 (d) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal descriptions of the real property to be conveyed
3 under subsection (a) shall be determined by a survey satis-
4 factory to the Secretary.

5 (e) ADDITIONAL TERMS AND CONDITIONS.—The
6 Secretary may require such additional terms and condi-
7 tions in connection with the conveyance under subsection
8 (a), including easements or covenants to protect cultural
9 or natural resources, as the Secretary considers appro-
10 priate to protect the interests of the United States.

11 **SEC. 2843. LAND CONVEYANCE, FORT KNOX, KENTUCKY.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of
13 the Army may convey, without consideration, to the De-
14 partment of Veterans Affairs of the Commonwealth of
15 Kentucky (in this section referred to as the “Depart-
16 ment”) all right, title, and interest of the United States
17 in and to a parcel of real property, including any improve-
18 ments thereon, consisting of approximately 194 acres at
19 Fort Knox, Kentucky, for the purpose of permitting the
20 Department to establish and operate a State veterans
21 home and future expansion of the adjacent State veterans
22 cemetery for veterans and eligible family members of the
23 Armed Forces.

24 (b) REIMBURSEMENT FOR COSTS OF CONVEY-
25 ANCE.—(1) The Department shall reimburse the Sec-

1 retary for any costs incurred by the Secretary in making
2 the conveyance under subsection (a), including costs re-
3 lated to environmental documentation and other adminis-
4 trative costs. This paragraph does not apply to costs asso-
5 ciated with the environmental remediation of the property
6 to be conveyed.

7 (2) Amounts received as reimbursement under para-
8 graph (1) shall be credited to the fund or account that
9 was used to cover the costs incurred by the Secretary in
10 carrying out the conveyance. Amounts so credited shall be
11 merged with amounts in such fund or account and shall
12 be available for the same purposes, and subject to the
13 same conditions and limitations, as other amounts in such
14 fund or account.

15 (c) DESCRIPTION OF PROPERTY.—The exact acreage
16 and legal description of the real property to be conveyed
17 under subsection (a) shall be determined by a survey satis-
18 factory to the Secretary.

19 (d) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the conveyance under subsection
22 (a), as the Secretary considers appropriate to protect the
23 interests of the United States.

1 **SEC. 2844. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY**
2 **(WEST BANK), NEW ORLEANS, LOUISIANA.**

3 (a) CONVEYANCE AUTHORIZED.—Except as provided
4 in subsection (b), the Secretary of the Navy may convey
5 to the Algiers Development District all right, title, and in-
6 terest of the United States in and to the real property
7 comprising the Naval Support Activity (West Bank), New
8 Orleans, Louisiana, including—

9 (1) any improvements and facilities on the real
10 property; and

11 (2) available personal property on the real prop-
12 erty.

13 (b) CERTAIN PROPERTY EXCLUDED.—The convey-
14 ance under subsection (a) may not include—

15 (1) the approximately 29-acre area known as
16 the Secured Area of the real property described in
17 such subsection, which shall remain subject to the
18 Lease; and

19 (2) the Quarters A site, which is located at
20 Sanctuary Drive, as determined by a survey satisfac-
21 tory to the Secretary of the Navy.

22 (c) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the real property to be conveyed
24 under subsection (a) shall be determined by a survey satis-
25 factory to the Secretary of the Navy.

1 (d) TIMING.—The authority provided in subsection
2 (a) may only be exercised after—

3 (1) the Secretary of the Navy determines that
4 the property described in subsection (a) is no longer
5 needed by the Department of the Navy; and

6 (2) the Algiers Development District delivers
7 the full consideration as required by Article 3 of the
8 Lease.

9 (e) CONDITION OF CONVEYANCE.—The conveyance
10 authorized by subsection (a) shall include a condition that
11 expressly prohibits any use of the property that would
12 interfere or otherwise restrict operations of the Depart-
13 ment of the Navy in the Secured Area referred to in sub-
14 section (b), as determined by the Secretary of the Navy.

15 (f) SUBSEQUENT CONVEYANCE OF SECURED
16 AREA.—If at any time the Secretary of the Navy deter-
17 mines and notifies the Algiers Development District that
18 there is no longer a continuing requirement to occupy or
19 otherwise control the Secured Area referred to in sub-
20 section (b) to support the mission of the Marine Forces
21 Reserve or other comparable Marine Corps use, the Sec-
22 retary may convey to the Algiers Development District the
23 Secured Area and the any improvements situated thereon.

24 (g) SUBSEQUENT CONVEYANCE OF QUARTERS A.—
25 If at any time the Secretary of the Navy determines that

1 the Department of the Navy no longer has a continuing
2 requirement for general officers quarters to be located on
3 the Quarters A site referred to in subsection (b) or the
4 Department of the Navy elects or offers to transfer, sell,
5 lease, assign, gift or otherwise convey any or all of the
6 Quarters A site or any improvements thereon to any third
7 party, the Secretary may convey to the Algiers Develop-
8 ment District the real property containing the Quarters
9 A site.

10 (h) ADDITIONAL TERMS AND CONDITIONS.—The
11 Secretary of the Navy may require such additional terms
12 and conditions in connection with the conveyance of prop-
13 erty under this section, consistent with the Lease, as the
14 Secretary considers appropriate to protect the interest of
15 the United States.

16 (i) DEFINITIONS.—In this section:

17 (1) The term “Algiers Development District”
18 means the Algiers Development District, a local po-
19 litical subdivision of the State of Louisiana.

20 (2) The term “Lease” means that certain Real
21 Estate Lease for Naval Support Activity New Orle-
22 ans, West Bank, New Orleans, Louisiana, Lease No.
23 N47692–08–RP–08P30, by and between the United
24 States, acting by and through the Department of the

1 Navy, and the Algiers Development District dated
2 September 30, 2008.

3 **SEC. 2845. LAND CONVEYANCE, FORMER NAVY EXTREMELY**
4 **LOW FREQUENCY COMMUNICATIONS**
5 **PROJECT SITE, REPUBLIC, MICHIGAN.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of
7 the Navy may convey, without consideration, to Humboldt
8 Township in Marquette County, Michigan, all right, title,
9 and interest of the United States in and to a parcel of
10 real property, including any improvements thereon, in Re-
11 public, Michigan, consisting of approximately seven acres
12 and formerly used as an Extremely Low Frequency com-
13 munications project site, for the purpose of permitting the
14 Township to use the property for local public activities.

15 (b) DESCRIPTION OF PROPERTY.—The exact acreage
16 and legal description of the real property to be conveyed
17 under subsection (a) shall be determined by a survey satis-
18 factory to the Secretary.

19 (c) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the conveyance under subsection
22 (a) as the Secretary considers appropriate to protect the
23 interests of the United States.

1 **SEC. 2846. LAND CONVEYANCE, MARINE FORCES RESERVE**
2 **CENTER, WILMINGTON, NORTH CAROLINA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Navy may convey to the North Carolina State Port
5 Authority of Wilmington, North Carolina (in this section
6 referred to as the “Port Authority”), all right, title, and
7 interest of the United States in and to a parcel of real
8 property, including any improvements thereon, consisting
9 of approximately 3.03 acres and known as the Marine
10 Forces Reserve Center in Wilmington, North Carolina, for
11 the purpose of permitting the Port Authority to use the
12 parcel for development of a port facility and for other pub-
13 lic purposes.

14 (b) INCLUSION OF PERSONAL PROPERTY.—The Sec-
15 retary of the Navy may include as part of the conveyance
16 under subsection (a) personal property of the Navy at the
17 Marine Forces Reserve Center that the Secretary of
18 Transportation recommends is appropriate for the devel-
19 opment or operation of the port facility and the Secretary
20 of the Navy agrees is excess to the needs of the Navy.

21 (c) INTERIM LEASE.—Until such time as the real
22 property described in subsection (a) is conveyed by deed,
23 the Secretary of the Navy may lease the property to the
24 Port Authority.

25 (d) CONSIDERATION.—

1 (1) CONVEYANCE.—The conveyance under sub-
2 section (a) shall be made without consideration as a
3 public benefit conveyance for port development if the
4 Secretary of the Navy determines that the Port Au-
5 thority satisfies the criteria specified in section 554
6 of title 40, United States Code, and regulations pre-
7 scribed to implement such section. If the Secretary
8 determines that the Port Authority fails to qualify
9 for a public benefit conveyance, but still desires to
10 acquire the property, the Port Authority shall pay to
11 the United States an amount equal to the fair mar-
12 ket value of the property to be conveyed. The fair
13 market value of the property shall be determined by
14 the Secretary.

15 (2) LEASE.—The Secretary of the Navy may
16 accept as consideration for a lease of the property
17 under subsection (c) an amount that is less than fair
18 market value if the Secretary determines that the
19 public interest will be served as a result of the lease.

20 (e) DESCRIPTION OF PROPERTY.—The exact acreage
21 and legal description of the property to be conveyed under
22 subsection (a) shall be determined by a survey satisfactory
23 to the Secretary of the Navy and the Port Authority. The
24 cost of such survey shall be borne by the Port Authority.

1 (f) ADDITIONAL TERMS.—The Secretary of the Navy
2 may require such additional terms and conditions in con-
3 nection with the conveyance as the Secretary considers ap-
4 propriate to protect the interests of the United States.

5 **Subtitle F—Other Matters**

6 **SEC. 2851. REQUIREMENTS RELATED TO PROVIDING** 7 **WORLD CLASS MILITARY MEDICAL FACILI-** 8 **TIES.**

9 (a) UNIFIED CONSTRUCTION STANDARD FOR MILI-
10 TARY CONSTRUCTION AND REPAIRS TO MILITARY MED-
11 ICAL FACILITIES.—Not later than 90 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall establish a unified construction standard for military
14 construction and repairs for military medical facilities that
15 provides a single standard of care. This standard shall also
16 include a size standard for operating rooms and patient
17 recovery rooms.

18 (b) INDEPENDENT REVIEW PANEL.—

19 (1) ESTABLISHMENT; PURPOSE.—The Sec-
20 retary of Defense shall establish an independent ad-
21 visory panel for the purpose of—

22 (A) advising the Secretary regarding
23 whether the Comprehensive Master Plan for the
24 National Capital Region Medical, dated April
25 2010, is adequate to fulfill statutory require-

1 ments, as required by section 2714 of the Mili-
2 itary Construction Authorization Act for Fiscal
3 Year 2010 (division B of Public Law 111–84;
4 123 Stat. 2656), to ensure that the facilities
5 and organizational structure described in the
6 plan result in world class military medical facili-
7 ties in the National Capital Region;

8 (B) monitoring the implementation and
9 any subsequent modification of the master plan
10 referred to in subparagraph (A); and

11 (C) making recommendations regarding
12 any adjustments of the master plan referred to
13 in subparagraph (A) needed to ensure the pro-
14 vision of world class military medical facilities
15 and delivery system in the National Capital Re-
16 gion.

17 (2) MEMBERS.—

18 (A) APPOINTMENTS BY SECRETARY.—The
19 panel shall be composed of such members as de-
20 termined by the Secretary of Defense, except
21 that the Secretary shall include as members—

22 (i) medical facility design experts;

23 (ii) military healthcare professionals;

24 (iii) representatives of premier health
25 care facilities in the United States; and

1 (iv) former retired senior military offi-
2 cers with joint operational and budgetary
3 experience.

4 (B) CONGRESSIONAL APPOINTMENTS.—
5 The chairmen and ranking members of the
6 Committees on the Armed Services of the Sen-
7 ate and House of Representatives may each
8 designate one member of the panel.

9 (C) TERM.—Members of the panel may
10 serve on the panel until the termination date
11 specified in paragraph (7).

12 (D) COMPENSATION.—While performing
13 duties on behalf of the panel, a member and
14 any adviser referred to in paragraph (4) shall
15 be reimbursed under Government travel regula-
16 tions for necessary travel expenses.

17 (3) MEETINGS.—The panel shall meet not less
18 than quarterly. The panel or its members may make
19 other visits to military treatment facilities and mili-
20 tary headquarters in connection with the duties of
21 the panel.

22 (4) STAFF AND ADVISORS.—The Secretary of
23 Defense shall provide necessary administrative staff
24 support to the panel. The panel may call in advisers
25 for consultation.

1 (5) REPORTS.—

2 (A) INITIAL REPORT.—Not later than 120
3 days after the first meeting of the panel, the
4 panel shall submit to the Secretary of Defense
5 a written report containing an assessment of
6 the adequacy of the master plan referred to in
7 paragraph (1)(A) and the recommendations of
8 the panel to improve the plan.

9 (B) ADDITIONAL REPORTS.—Not later
10 than February 28, 2011, and February 29,
11 2012, the panel shall submit to the Secretary of
12 Defense a report on the findings and rec-
13 ommendations of the panel to address any defi-
14 ciencies identified by the panel.

15 (6) ASSESSMENT OF RECOMMENDATIONS.—Not
16 later than 30 days after the date of the submission
17 of each report under paragraph (5), the Secretary of
18 Defense shall submit to the congressional defense
19 committees a report including—

20 (A) an assessment by the Secretary of the
21 findings and recommendations of the panel; and

22 (B) the plans of the Secretary for address-
23 ing such findings and recommendations.

24 (7) TERMINATION.—The panel shall terminate
25 on September 30, 2015.

1 (c) DEFINITIONS.—In this section:

2 (1) NATIONAL CAPITAL REGION.—The term
3 “National Capital Region” has the meaning given
4 the term in section 2674(f) of title 10, United States
5 Code.

6 (2) WORLD CLASS MILITARY MEDICAL FACIL-
7 ITY.—The term “world class military medical facil-
8 ity” has the meaning given the term by the National
9 Capital Region Base Realignment and Closure
10 Health Systems Advisory Subcommittee of the De-
11 fense Health Board in appendix B of the report ti-
12 tled “Achieving World Class—An Independent Re-
13 view of the Design Plans for the Walter Reed Na-
14 tional Military Medical Center and the Fort Belvoir
15 Community Hospital” and published in May 2009,
16 as required by section 2721 of the Military Con-
17 struction Authorization Act for Fiscal Year 2009
18 (division B of Public Law 110–417; 122 Stat.
19 4716).

20 **SEC. 2852. NAMING OF ARMED FORCES RESERVE CENTER,**
21 **MIDDLETOWN, CONNECTICUT.**

22 The newly constructed Armed Forces Reserve Center
23 in Middletown, Connecticut, shall be known and des-
24 ignated as the “Major General Maurice Rose Armed
25 Forces Reserve Center”. Any reference in a law, map, reg-

1 ulation, document, paper, or other record of the United
 2 States to such Armed Forces Reserve Center shall be
 3 deemed to be a reference to the Major General Maurice
 4 Rose Armed Forces Reserve Center.

5 **TITLE XXIX—OVERSEAS CONTIN-**
 6 **GENY OPERATIONS MILI-**
 7 **TARY CONSTRUCTION**
 8 **Subtitle A—Fiscal Year 2010**
 9 **Projects**

10 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 11 **ACQUISITION PROJECTS AND AUTHORIZA-**
 12 **TION OF APPROPRIATIONS.**

13 (a) OUTSIDE THE UNITED STATES.—The Secretary
 14 of the Army may acquire real property and carry out mili-
 15 tary construction projects for various locations outside the
 16 United States, and subject to the purpose, total amount
 17 authorized, and authorization of appropriations specified
 18 for the projects, set forth in the following table:

| Army: Military Construction Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|------------------------------|----------------|---------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AF | Various Locations | Operational Facilities | 80,100 | 80,100 |
| AF | Various Locations | Supporting Activities | 62,900 | 62,900 |
| AF | Various Locations | Utility Facilities | 52,600 | 52,600 |

19 (b) AUTHORIZATION OF APPROPRIATIONS.—
 20 (1) OUTSIDE THE UNITED STATES.—For mili-
 21 tary construction projects outside the United States
 22 authorized by subsection (a), funds are hereby au-

1 thorized to be appropriated for fiscal years begin-
2 ning after September 30, 2009, in the total amount
3 of \$195,600,000.

4 (2) UNSPECIFIED MINOR MILITARY CONSTRUC-
5 TION PROJECTS.—For unspecified minor military
6 construction projects authorized by section 2805 of
7 title 10, United States Code, funds are hereby au-
8 thorized to be appropriated for fiscal years begin-
9 ning after September 30, 2009, in the total amount
10 of \$40,000,000.

11 (3) ARCHITECTURAL AND ENGINEERING SERV-
12 ICES AND CONSTRUCTION DESIGN.—For architec-
13 tural and engineering services and construction de-
14 sign under section 2807 of title 10, United States
15 Code, funds are hereby authorized to be appro-
16 priated for fiscal years beginning after September
17 30, 2009, in the total amount of \$6,696,000.

18 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
19 **LAND ACQUISITION PROJECTS AND AUTHOR-**
20 **IZATION OF APPROPRIATIONS.**

21 (a) OUTSIDE THE UNITED STATES.—The Secretary
22 of the Air Force may acquire real property and carry out
23 military construction projects for various locations outside
24 the United States, and subject to the purpose, total

1 amount authorized, and authorization of appropriations
 2 specified for the projects, set forth in the following table:

| Air Force: Military Construction Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|------------------------------|-------------------|------------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AF | Various Locations | Operational Facilities | 220,500 | 220,500 |
| AF | Various Locations | Supply Facilities | 24,550 | 24,550 |

3 (b) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) OUTSIDE THE UNITED STATES.—For mili-
 5 tary construction projects outside the United States
 6 authorized by subsection (a), funds are hereby au-
 7 thorized to be appropriated for fiscal years begin-
 8 ning after September 30, 2009, in the total amount
 9 of \$245,050,000.

10 (2) UNSPECIFIED MINOR MILITARY CONSTRUC-
 11 TION PROJECTS.—For unspecified minor military
 12 construction projects authorized by section 2805 of
 13 title 10, United States Code, funds are hereby au-
 14 thorized to be appropriated for fiscal years begin-
 15 ning after September 30, 2009, in the total amount
 16 of \$15,000,000.

17 (3) ARCHITECTURAL AND ENGINEERING SERV-
 18 ICES AND CONSTRUCTION DESIGN.—For architec-
 19 tural and engineering services and construction de-
 20 sign under section 2807 of title 10, United States
 21 Code, funds are hereby authorized to be appro-
 22 priated for fiscal years beginning after September
 23 30, 2009, in the total amount of \$19,040,000.

**Subtitle B—Fiscal Year 2011
Projects**

**SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS AND AUTHORIZA-
TION 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:

| Army: Military Construction Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|---------------------------------------|-------------------|------------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AF | Various Locations | Air Pollution Abatement | 16,000 | 16,000 |
| AF | Various Locations | Community Facilities | 21,450 | 21,450 |
| AF | Various Locations | Hospital and Medical Facilities | 50,800 | 50,800 |
| AF | Various Locations | Operational Facilities | 69,600 | 69,600 |
| AF | Various Locations | Supply Facilities | 30,700 | 30,700 |
| AF | Various Locations | Supporting Activities | 199,800 | 199,800 |
| AF | Various Locations | Troop Housing Facilities | 283,000 | 283,000 |
| AF | Various Locations | Utility Facilities | 90,600 | 90,600 |

(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 \$761,950,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of

1 title 10, United States Code, funds are hereby au-
 2 thorized to be appropriated for fiscal years begin-
 3 ning after September 30, 2010, in the total amount
 4 of \$78,330,000.

5 (3) ARCHITECTURAL AND ENGINEERING SERV-
 6 ICES AND CONSTRUCTION DESIGN.—For architec-
 7 tural and engineering services and construction de-
 8 sign under section 2807 of title 10, United States
 9 Code, funds are hereby authorized to be appro-
 10 priated for fiscal years beginning after September
 11 30, 2010, in the total amount of \$89,716,000.

12 **SEC. 2912. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 13 **LAND ACQUISITION PROJECTS AND AUTHOR-**
 14 **IZATION OF APPROPRIATIONS.**

15 (a) OUTSIDE THE UNITED STATES.—The Secretary
 16 of the Air Force may acquire real property and carry out
 17 military construction projects for various locations outside
 18 the United States, and subject to the purpose, total
 19 amount authorized, and authorization of appropriations
 20 specified for the projects, set forth in the following table:

| Air Force: Military Construction Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|---|----------------|---------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AF | Various Locations | Maintenance and Production Facilities | 7,400 | 7,400 |
| AF | Various Locations | Operational Facilities | 203,000 | 203,000 |
| AF | Various Locations | Supply Facilities | 7,100 | 7,100 |

21 (b) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) OUTSIDE THE UNITED STATES.—For mili-
2 tary construction projects outside the United States
3 authorized by subsection (a), funds are hereby au-
4 thorized to be appropriated for fiscal years begin-
5 ning after September 30, 2010, in the total amount
6 of \$217,500,000.

7 (2) UNSPECIFIED MINOR MILITARY CONSTRUC-
8 TION PROJECTS.—For unspecified minor military
9 construction projects authorized by section 2805 of
10 title 10, United States Code, funds are hereby au-
11 thorized to be appropriated for fiscal years begin-
12 ning after September 30, 2010, in the total amount
13 of \$49,584,000.

14 (3) ARCHITECTURAL AND ENGINEERING SERV-
15 ICES AND CONSTRUCTION DESIGN.—For architec-
16 tural and engineering services and construction de-
17 sign under section 2807 of title 10, United States
18 Code, funds are hereby authorized to be appro-
19 priated for fiscal years beginning after September
20 30, 2010, in the total amount of \$13,422,000.

21 **SEC. 2913. AUTHORIZED DEFENSE WIDE CONSTRUCTION**
22 **AND LAND ACQUISITION PROJECTS AND AU-**
23 **THORIZATION OF APPROPRIATIONS.**

24 (a) OUTSIDE THE UNITED STATES.—The Secretary
25 of Defense may acquire real property and carry out mili-

1 tary construction projects for the Defense Agencies for a
 2 classified project at a classified location outside the United
 3 States, and subject to the total amount authorized and
 4 authorization of appropriations specified for the project,
 5 set forth in the following table:

| Defense Wide: Military Construction Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|---------------------------|--------------------------|----------------|---------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| XC | Classified Location | Classified Project | 41,900 | 41,900 |

6 (b) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) OUTSIDE THE UNITED STATES.—For mili-
 8 tary construction projects outside the United States
 9 authorized by subsection (a), funds are hereby au-
 10 thorized to be appropriated for fiscal years begin-
 11 ning after September 30, 2010, in the total amount
 12 of \$41,900,000.

13 (2) ARCHITECTURAL AND ENGINEERING SERV-
 14 ICES AND CONSTRUCTION DESIGN.—For architec-
 15 tural and engineering services and construction de-
 16 sign authorized by section 2807 of title 10, United
 17 States Code, funds are hereby authorized to be ap-
 18 propriated for fiscal years beginning after September
 19 30, 2010, in the total amount of \$4,600,000.

1 **SEC. 2914. CONSTRUCTION AUTHORIZATION FOR DEPART-**
2 **MENT OF DEFENSE FACILITIES IN A FOREIGN**
3 **COUNTRY.**

4 Of the amounts authorized to be appropriated by this
5 subtitle, the Secretary of Defense may use not more than
6 \$46,500,000 to plan, design, and construct facilities in a
7 foreign country for the Department of Defense.

8 **Subtitle C—Other Matters**

9 **SEC. 2921. NOTIFICATION OF OBLIGATION OF FUNDS AND**
10 **QUARTERLY REPORTS.**

11 (a) NOTIFICATION OF OBLIGATION OF FUNDS.—

12 (1) NOTICE AND WAIT REQUIREMENT.—Before
13 using appropriated funds to carry out a construction
14 project outside the United States that is authorized
15 by section 2901, 2902, 2911, or 2912 and has an
16 estimated cost in excess of the amounts authorized
17 for unspecified minor military construction projects
18 under section 2805(c) of title 10, United States
19 Code, the Secretary of Defense shall submit to the
20 congressional defense committees a notice regarding
21 the construction project. The project may be carried
22 out only after the end of the 10-day period begin-
23 ning on the date the notice is received by the com-
24 mittees or, if earlier, the end of the 7-day period be-
25 ginning on the date on which a copy of the notifica-

1 tion is provided in an electronic medium pursuant to
2 section 480 of title 10, United States Code.

3 (2) CONTENTS OF NOTICE.—The notice for a
4 construction project covered by subsection (a) shall
5 include the following:

6 (A) Certification that the construction—

7 (i) is necessary to meet urgent mili-
8 tary operational requirements of a tem-
9 porary nature involving the use of the
10 Armed Forces;

11 (ii) is carried out in support of a non-
12 enduring mission; and

13 (iii) is the minimum construction nec-
14 essary to meet temporary operational re-
15 quirements.

16 (B) A description of the purpose for which
17 appropriated funds are being obligated.

18 (C) All relevant documentation detailing
19 the construction project.

20 (D) An estimate of the total amount obli-
21 gated for the construction.

22 (b) QUARTERLY REPORTS.—

23 (1) REPORT REQUIRED.—Not later than 45
24 days after the end of each fiscal-year quarter during
25 which appropriated funds are obligated or expended

1 to carry out construction projects outside the United
2 States that are authorized by section 2901, 2902,
3 2911, or 2912, the Secretary of Defense shall sub-
4 mit to the congressional defense committees a report
5 on the worldwide obligation and expenditure during
6 that quarter of appropriated funds for such con-
7 struction projects.

8 (2) PROJECT AUTHORITY CONTINGENT ON SUB-
9 MISSION OF REPORTS.—The ability to use section
10 2901, 2902, 2911, or 2912 as authority during a
11 fiscal year to obligate appropriated funds available
12 to carry out construction projects outside the United
13 States shall commence for that fiscal year only after
14 the date on which the Secretary of Defense submits
15 to the congressional defense committees all of the
16 quarterly reports (if any) that were required under
17 paragraph (1) for the preceding fiscal year.

18 (c) LIMITATION ON TRANSFER AUTHORITY.—If the
19 Secretary of the Army or the Secretary of the Air Force
20 determines that amounts appropriated pursuant to the au-
21 thorization of appropriation in section 2901, 2902, 2911,
22 or 2912 are required for any construction project that will
23 cause obligations to exceed any of the category amounts
24 specified in this title or for a construction project that is
25 not within the scope of the category, the Secretary shall

1 notify the congressional defense committees of this deter-
2 mination at least 14 days before obligating funds for the
3 project.

4 **DIVISION C—DEPARTMENT OF**
5 **ENERGY NATIONAL SECURITY**
6 **AUTHORIZATIONS AND**
7 **OTHER AUTHORIZATIONS**
8 **TITLE XXXI—DEPARTMENT OF**
9 **ENERGY NATIONAL SECURITY**
10 **PROGRAMS**
11 **Subtitle A—National Security**
12 **Programs Authorizations**

13 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
14 **TION.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
16 are hereby authorized to be appropriated to the Depart-
17 ment of Energy for fiscal year 2011 for the activities of
18 the National Nuclear Security Administration in carrying
19 out programs necessary for national security in the
20 amount of \$11,214,755,000, to be allocated as follows:

21 (1) For weapons activities, \$7,008,835,000.

22 (2) For defense nuclear nonproliferation activi-
23 ties, \$2,687,167,000.

24 (3) For naval reactors, \$1,070,486,000.

1 (4) For the Office of the Administrator for Nu-
2 clear Security, \$448,267,000.

3 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
4 From funds referred to in subsection (a) that are available
5 for carrying out plant projects, the Secretary of Energy
6 may carry out new plant projects for the National Nuclear
7 Security Administration as follows:

8 (1) Project 11–D–801, reinvestment project
9 phase 2, Los Alamos National Laboratory, Los Ala-
10 mos, New Mexico, \$23,300,000.

11 (2) Project 11–D–601, sanitary effluent rec-
12 lamation facility expansion, Los Alamos National
13 Laboratory, Los Alamos, New Mexico, \$15,000,000.

14 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 2011 for defense
17 environmental cleanup activities in carrying out programs
18 necessary for national security in the amount of
19 \$5,588,039,000.

20 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

21 Funds are hereby authorized to be appropriated to
22 the Department of Energy for fiscal year 2011 for other
23 defense activities in carrying out programs necessary for
24 national security in the amount of \$878,209,000.

1 **SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 2011 for energy
4 security and assurance programs necessary for national
5 security in the amount of \$6,188,000.

6 **Subtitle B—Program Authoriza-**
7 **tions, Restrictions, and Limita-**
8 **tions**

9 **SEC. 3111. EXTENSION OF AUTHORITY RELATING TO THE**
10 **INTERNATIONAL MATERIALS PROTECTION,**
11 **CONTROL, AND ACCOUNTING PROGRAM OF**
12 **THE DEPARTMENT OF ENERGY.**

13 Section 3156(b)(1) of the Bob Stump National De-
14 fense Authorization Act for Fiscal Year 2003 (Public Law
15 107–314; 116 Stat. 2739; 50 U.S.C. 2343(b)(1)) is
16 amended by striking “January 1, 2013” and inserting
17 “January 1, 2018”.

18 **SEC. 3112. ENERGY PARKS INITIATIVE.**

19 (a) IN GENERAL.—Subtitle B of title XLVIII of the
20 Atomic Energy Defense Act (division D of Public Law
21 107–314; 50 U.S.C. 2501 et seq.) is amended by adding
22 at the end the following:

23 **“SEC. 4815. ENERGY PARKS INITIATIVE.**

24 “(a) IN GENERAL.—The Secretary of Energy may fa-
25 cilitate the development of energy parks described in sub-
26 section (b) on defense nuclear facility reuse property

1 through the use of collaborative partnerships with State
2 and local governments, the private sector, and community
3 reuse organizations approved by the Secretary.

4 “(b) ENERGY PARKS.—An energy park described in
5 this subsection is a facility (or group of facilities) devel-
6 oped for the purpose of—

7 “(1) promoting energy security, environmental
8 sustainability, economic competitiveness, and energy
9 sector jobs; and

10 “(2) encouraging pilot programs, demonstration
11 projects, or commercial projects, at or near such fa-
12 cility, with respect to energy generation, energy effi-
13 ciency, and advanced manufacturing technologies
14 that will contribute to a stabilization of atmospheric
15 greenhouse gas concentrations through the reduc-
16 tion, avoidance, or sequestration of energy-related
17 emissions.

18 “(c) INFRASTRUCTURE.—In facilitating the develop-
19 ment of an energy park under this section, the Secretary
20 shall—

21 “(1) use existing infrastructure, facilities,
22 workforces, and other assets in the vicinity of the
23 energy park; and

1 “(2) ensure that such energy park does not
2 interfere with the Secretary’s other responsibilities
3 at any defense nuclear facility.

4 “(d) REPORT.—Not later than December 31, 2011,
5 the Secretary shall submit to the Committee on Armed
6 Services and the Committee on Energy and Commerce of
7 the House of Representatives and the Committee on
8 Armed Services and the Committee on Energy and Nat-
9 ural Resources of the Senate a report on steps taken to
10 facilitate the development of energy parks under this sec-
11 tion.

12 “(e) DEFINITIONS.—In this section:

13 “(1) The term ‘defense nuclear facility’ has the
14 meaning given the term ‘Department of Energy de-
15 fense nuclear facility’ in section 318 of the Atomic
16 Energy Act of 1954 (42 U.S.C. 2286g).

17 “(2) The term ‘defense nuclear facility reuse
18 property’ means property that—

19 “(A) is located at a defense nuclear facil-
20 ity; and

21 “(B) the Secretary of Energy determines—

22 “(i) has been adequately remediated
23 by the Secretary or was not in need of re-
24 mediation; and

1 “(ii) is ready for use as an energy
2 park.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 4001(b) of such Act (division D of Public Law
5 107–314) is amended by inserting after the item relating
6 to section 4814 the following new item:

“Sec. 4815. Energy parks initiative.”.

7 **SEC. 3113. ESTABLISHMENT OF TECHNOLOGY TRANSFER**
8 **CENTERS.**

9 (a) TECHNOLOGY TRANSFER CENTERS.—

10 (1) IN GENERAL.—Section 4813 of the Atomic
11 Energy Defense Act (division D of Public Law 107–
12 314; 50 U.S.C. 2794) is amended—

13 (A) by redesignating subsection (b) as sub-
14 section (c); and

15 (B) by inserting after subsection (a) the
16 following new subsection (b):

17 “(b) TECHNOLOGY TRANSFER CENTERS.—(1) Sub-
18 ject to the availability of appropriations provided for such
19 purpose, the Administrator shall establish a technology
20 transfer center described in paragraph (2) at each na-
21 tional security laboratory.

22 “(2) A technology transfer center described in this
23 paragraph is a center to foster collaborative scientific re-
24 search, technology development, and the appropriate

1 transfer of research and technology to users in addition
2 to the national security laboratories.

3 “(3) In establishing a technology transfer center
4 under this subsection, the Administrator—

5 “(A) shall enter into cooperative research and
6 development agreements with governmental, public,
7 academic, or private entities; and

8 “(B) may enter into a contract with respect to
9 constructing, purchasing, managing, or leasing
10 buildings or other facilities.”.

11 (2) DEFINITION.—Subsection (c) of such sec-
12 tion, as redesignated by paragraph (1)(A), is amend-
13 ed by adding at the end the following new para-
14 graph:

15 “(5) The term ‘national security laboratory’ has
16 the meaning given that term in section 3281 of the
17 National Nuclear Security Administration Act (50
18 U.S.C. 2471).”.

19 (3) SECTION HEADING.—The heading of such
20 section is amended by inserting “**AND TECH-**
21 **NOLOGY TRANSFER CENTERS**” after “**PARTNER-**
22 **SHIPS**”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 4001(b) of such Act (division D of Public Law

1 107–314) is amended by striking the item relating to sec-
2 tion 4813 and inserting the following new item:

“Sec. 4813. Critical technology partnerships and technology transfer centers.”.

3 **SEC. 3114. AIRCRAFT PROCUREMENT.**

4 Of the amounts authorized to be appropriated under
5 section 3101(a)(1) for fiscal year 2011 for weapons activi-
6 ties, the Secretary of Energy may procure not more than
7 two aircraft.

8 **SEC. 3115. ENHANCING PRIVATE-SECTOR EMPLOYMENT**
9 **THROUGH TECHNOLOGY TRANSFER ACTIVI-**
10 **TIES.**

11 (a) **IN GENERAL.**—The Administrator for Nuclear
12 Security shall encourage technology transfer activities at
13 the national security laboratories (as defined in section
14 3281 of the National Nuclear Security Administration Act
15 (50 U.S.C. 2471)) that lead to the creation of new private-
16 sector employment opportunities.

17 (b) **REPORTS.**—Not later than January 31 of each
18 year, the Administrator shall submit to Congress a report
19 detailing the number of new private-sector employment op-
20 portunities created as a result of the previous years’ tech-
21 nology transfer activities at each national security labora-
22 tory.

Subtitle C—Reports

1 **Subtitle C—Reports**
2 **SEC. 3121. COMPTROLLER GENERAL REPORT ON NNSA BI-**
3 **ENNIAL COMPLEX MODERNIZATION STRAT-**
4 **EGY.**

5 Section 3255 of the National Nuclear Security Ad-
6 ministration Act (50 U.S.C. 2455) is amended—

7 (1) by redesignating subsection (d) as sub-
8 section (e); and

9 (2) by inserting after subsection (e) the fol-
10 lowing new subsection (d):

11 “(d) GAO STUDY AND REPORTS.—(1) For each plan
12 and assessment submitted under subsection (a), the
13 Comptroller General of the United States shall conduct
14 a study that includes the following:

15 “(A) An analysis of the plan under subsection
16 (a)(1).

17 “(B) An analysis of the assessment under sub-
18 section (a)(2).

19 “(C) Whether both the budget for the fiscal
20 year in which the plan and assessment are submitted
21 and the future-years nuclear security program sub-
22 mitted to Congress in relation to such budget under
23 section 3253 provide for funding of the nuclear secu-
24 rity complex at a level that is sufficient for the mod-

1 ernization and refurbishment of the nuclear security
2 complex in accordance with the plan.

3 “(D) An analysis of any assessment submitted
4 by the Administrator under subsection (c).

5 “(E) With respect to the facilities infrastruc-
6 ture recapitalization program—

7 “(i) whether such program achieved its
8 mission of addressing deferred and backlogged
9 maintenance;

10 “(ii) to what extent deferred and back-
11 logged maintenance remains unaddressed;

12 “(iii) whether the expiration of such pro-
13 gram’s authorities has weakened or strength-
14 ened plans under subsection (a); and

15 “(iv) whether the reauthorization of such
16 program would further the goal of modernizing
17 and refurbishing the nuclear security complex.

18 “(2) Not later than 180 days after the date on which
19 the Administrator submits the plan and assessment under
20 subsection (a), the Comptroller General shall submit to the
21 congressional defense committees a report on the study
22 under paragraph (1), including—

23 “(A) the findings of the study under paragraph
24 (1);

1 “(B) whether the plan and assessment sub-
2 mitted under subsection (a) support each element
3 under subsection (b); and

4 “(C) the role of the United States Strategic
5 Command in making an assessment under sub-
6 section (c).

7 “(3) Not later than 90 days after the date on which
8 a budget is submitted to Congress during an even-num-
9 bered fiscal year, the Comptroller General shall submit to
10 the congressional defense committees an update to the
11 previous study under paragraph (1) taking into account
12 the nuclear security budget materials included with such
13 budget.”.

14 **SEC. 3122. REPORT ON GRADED SECURITY PROTECTION**
15 **POLICY.**

16 (a) REPORT.—Not later than February 1, 2011, the
17 Secretary of Energy shall submit to the congressional de-
18 fense committees a report on the implementation of the
19 graded security protection policy of the Department of En-
20 ergy.

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

23 (1) A comprehensive plan and schedule (includ-
24 ing any benchmarks, milestones, or other deadlines)

1 for implementing the graded security protection pol-
2 icy.

3 (2) An explanation of the current status of the
4 graded security protection policy for each site with
5 respect to the comprehensive plan under paragraph
6 (1).

7 (3) An explanation of the Secretary's objective
8 end-state for implementation of the graded security
9 protection policy (such end-state shall include sup-
10 porting justification and rationale to ensure that ro-
11 bust and adaptive security measures meet the grad-
12 ed security protection policy requirements).

13 (4) Identification of each site that has received
14 an exception or waiver to the graded security protec-
15 tion policy, including the justification for each such
16 exception or waiver.

17 (5) A schedule for "force-on-force" exercises
18 that the Secretary considers necessary to maintain
19 operational readiness.

20 (6) A description of a program that will provide
21 proper training and equipping of personnel to a cer-
22 tifiable standard.

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

1 **TITLE XXXII—DEFENSE NU-**
2 **CLEAR FACILITIES SAFETY**
3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 There are authorized to be appropriated for fiscal
6 year 2011, \$28,640,000 for the operation of the Defense
7 Nuclear Facilities Safety Board under chapter 21 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

9 **TITLE XXXIV—NAVAL**
10 **PETROLEUM RESERVES**

11 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AMOUNT.—There are hereby authorized to be ap-
13 propriated to the Secretary of Energy \$23,614,000 for fis-
14 cal year 2011 for the purpose of carrying out activities
15 under chapter 641 of title 10, United States Code, relating
16 to the naval petroleum reserves.

17 (b) PERIOD OF AVAILABILITY.—Funds appropriated
18 pursuant to the authorization of appropriations in sub-
19 section (a) shall remain available until expended.

1 **TITLE XXXV—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
4 **TIONAL SECURITY ASPECTS OF THE MER-**
5 **CHANT MARINE FOR FISCAL YEAR 2011.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2011, to be available without fiscal year limita-
8 tion if so provided in appropriations Acts, for the use of
9 the Department of Transportation for Maritime Adminis-
10 tration programs associated with maintaining national se-
11 curity aspects of the merchant marine, as follows:

12 (1) For expenses necessary for operations of the
13 United States Merchant Marine Academy,
14 \$100,020,000, of which—

15 (A) \$63,120,000 shall remain available
16 until expended for Academy operations;

17 (B) \$6,000,000 shall remain available until
18 expended for refunds to Academy midshipmen
19 for improperly charged fees; and

20 (C) \$30,900,000 shall remain available
21 until expended for capital improvements at the
22 Academy.

23 (2) For expenses necessary to support the State
24 maritime academies, \$15,007,000, of which—

1 (A) \$2,000,000 shall remain available until
2 expended for student incentive payments;

3 (B) \$2,000,000 shall remain available until
4 expended for direct payments to such acad-
5 emies; and

6 (C) \$11,007,000 shall remain available
7 until expended for maintenance and repair of
8 State maritime academy training vessels.

9 (3) For expenses necessary to dispose of vessels
10 in the National Defense Reserve Fleet, \$10,000,000.

11 (4) For expenses to maintain and preserve a
12 United States-flag merchant marine to serve the na-
13 tional security needs of the United States under
14 chapter 531 of title 46, United States Code,
15 \$174,000,000.

16 (5) For the cost (as defined in section 502(5)
17 of the Federal Credit Reform Act of 1990 (2 U.S.C.
18 661a(5)) of loan guarantees under the program au-
19 thorized by chapter 537 of title 46, United States
20 Code, \$60,000,000, of which \$3,688,000 shall re-
21 main available until expended for administrative ex-
22 penses of the program.

1 **SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PRO-**
2 **GRAM.**

3 Chapter 531 of title 46, United States Code, is
4 amended—

5 (1) in section 53104(a), by striking “2015” and
6 inserting “2025”;

7 (2) in section 53106(a)(1)(C), by striking “for
8 each fiscal years 2012, 2013, 2014, and 2015” and
9 inserting “for each of fiscal years 2012 though
10 2025”; and

11 (3) in section 53111(3), by striking “2015” and
12 inserting “2025”.

13 **SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY**
14 **NOMINATIONS OF RESIDENTS OF THE**
15 **NORTHERN MARIANA ISLANDS.**

16 Section 51302(b) of title 46, United States Code, is
17 amended—

18 (1) in paragraph (3), by inserting “the North-
19 ern Mariana Islands,” after “Guam,”; and

20 (2) by striking paragraph (5) and redesignating
21 paragraph (6) as paragraph (5).

1 **SEC. 3504. ADMINISTRATIVE EXPENSES FOR PORT OF**
2 **GUAM IMPROVEMENT ENTERPRISE PRO-**
3 **GRAM.**

4 Section 3512(c)(4) of the Duncan Hunter National
5 Defense Authorization Act for Fiscal Year 2009 (48
6 U.S.C. 1421r(c)(4)) is amended—

7 (1) by inserting “, and of other amounts appro-
8 priated or otherwise made available to the Maritime
9 Administration for the purposes of the Program for
10 fiscal year 2011 or thereafter,” after “for a fiscal
11 year”; and

12 (2) by inserting “under this section” before the
13 period at the end.

14 **SEC. 3505. VESSEL LOAN GUARANTEES: PROCEDURES FOR**
15 **TRADITIONAL AND NONTRADITIONAL APPLI-**
16 **CATIONS.**

17 (a) DEFINITIONS.—Section 53701 of title 46, United
18 States Code, is amended—

19 (1) by redesignating paragraph (14) as para-
20 graph (16);

21 (2) by redesignating paragraphs (10) through
22 (13) as paragraphs (11) through (14), respectively;

23 (3) by inserting after paragraph (8) the fol-
24 lowing new paragraph:

25 “(9) NONTRADITIONAL APPLICATION.—The
26 term ‘nontraditional application’ means an applica-

1 tion for a loan, guarantee, or commitment to guar-
2 antee under this chapter, that is not a traditional
3 application, as determined by the Administrator.”;
4 and

5 (4) by inserting after paragraph (14), as so re-
6 designated, the following new paragraph:

7 “(15) TRADITIONAL APPLICATION.—The term
8 ‘traditional application’ means an application for a
9 loan, guarantee, or commitment to guarantee under
10 this chapter that involves a market, technology, and
11 financial structure of a type that has proven success-
12 ful in previous applications and does not present an
13 unreasonable risk to the United States, as deter-
14 mined by the Administrator.”.

15 (b) DEADLINE FOR DECISION ON APPLICATION; EX-
16 TENSION.—Section 53703(a) of title 46, United States
17 Code, is amended—

18 (1) by amending paragraph (1) to read as fol-
19 lows:

20 “(1) IN GENERAL.—The Secretary or Adminis-
21 trator shall approve or deny an application for a
22 loan guarantee under this chapter—

23 “(A) in the case of a traditional applica-
24 tion, before the end of the 90-day period begin-
25 ning on the date on which the signed applica-

1 tion is received by the Secretary or Adminis-
2 trator; and

3 “(B) in the case of a nontraditional appli-
4 cation, before the end of the 120-day period be-
5 ginning on such date of receipt.”; and

6 (2) in paragraph (2), by striking “the 270-day
7 period in paragraph (1) to a date not later than 2
8 years” and inserting “the applicable period under
9 paragraph (1) to a date that is not later than one
10 year after the date on which the signed application
11 was received by the Secretary or Administrator”.

12 (c) INDEPENDENT ANALYSIS.—Section 53708(d) of
13 title 46, United States Code, is amended by striking “an
14 application” and inserting “a nontraditional application”.

15 (d) APPLICATION.—The amendments made by this
16 section shall apply only to applications submitted after the
17 date of enactment of this Act.

1 **DIVISION D—IMPLEMENTING**
2 **MANAGEMENT FOR PER-**
3 **FORMANCE AND RELATED**
4 **REFORMS TO OBTAIN VALUE**
5 **IN EVERY ACQUISITION ACT**

6 **SEC. 100A. SHORT TITLE.**

7 This division may be cited as the “Implementing
8 Management for Performance and Related Reforms to Ob-
9 tain Value in Every Acquisition Act of 2010”.

10 **SEC. 100B. DEFINITION OF CONGRESSIONAL DEFENSE**
11 **COMMITTEES.**

12 In this division, the term “congressional defense com-
13 mittees” has the meaning given that term in section
14 101(a)(16) of title 10, United States Code.

15 **TITLE I—DEFENSE ACQUISITION**
16 **SYSTEM**

17 **SEC. 101. PERFORMANCE MANAGEMENT OF THE DEFENSE**
18 **ACQUISITION SYSTEM.**

19 (a) PERFORMANCE MANAGEMENT OF THE DEFENSE
20 ACQUISITION SYSTEM.—

21 (1) IN GENERAL.—Part IV of title 10, United
22 States Code, is amended by inserting after chapter
23 148 the following new chapter:

1 **“CHAPTER 149—PERFORMANCE MANAGE-**
2 **MENT OF THE DEFENSE ACQUISITION**
3 **SYSTEM**

“Sec.

“2545. Performance assessments of the defense acquisition system.

“2546. Audits of performance assessments.

“2547. Use of performance assessments for managing performance.

“2548. Acquisition-related functions of the Chiefs of Staff of the armed forces.

4 **“§ 2545. Performance assessments of the defense ac-**
5 **quisition system**

6 “(a) PERFORMANCE ASSESSMENTS REQUIRED.—(1)

7 The Secretary of Defense shall ensure that all elements
8 of the defense acquisition system are subject to regular
9 performance assessments—

10 “(A) to determine the extent to which such ele-
11 ments deliver appropriate value to the Department
12 of Defense; and

13 “(B) to enable senior officials of the Depart-
14 ment of Defense to manage the elements of the de-
15 fense acquisition system to maximize their value to
16 the Department.

17 “(2) The performance of each element of the defense
18 acquisition system shall be assessed as needed, but not
19 less often than annually.

20 “(3) The Secretary shall ensure that the performance
21 assessments required by this subsection are appropriately
22 tailored to reflect the diverse nature of defense acquisition
23 so that the performance assessment of each element of the

1 defense acquisition system accurately reflects the work
2 performed by such element.

3 “(b) SYSTEMWIDE CATEGORIES.—(1) The Secretary
4 of Defense shall establish categories of metrics for the de-
5 fense acquisition system, including, at a minimum, cat-
6 egories relating to cost, quality, delivery, workforce, and
7 policy implementation that apply to all elements of the de-
8 fense acquisition system.

9 “(2) The Secretary of Defense shall issue guidance
10 for service acquisition executives within the Department
11 of Defense on the establishment of metrics, and goals and
12 standards relating to such metrics, within the categories
13 established by the Secretary under paragraph (1) to en-
14 sure that there is sufficient uniformity in performance as-
15 sessments across the defense acquisition system so that
16 elements of the defense acquisition system can be mean-
17 ingfully compared.

18 “(c) METRICS, GOALS, AND STANDARDS.—(1) Each
19 service acquisition executive of the Department of Defense
20 shall establish metrics to be used in the performance as-
21 sessments required by subsection (a) for each element of
22 the defense acquisition system for which such executive
23 is responsible within the categories established by the Sec-
24 retary under subsection (b). Such metrics shall be appro-

1 priately tailored pursuant to subsection (a)(3) and may
2 include measures of—

3 “(A) cost, quality, and delivery;

4 “(B) contractor performance, including compli-
5 ance with the Department of Defense policy regard-
6 ing the participation of small business concerns
7 owned and controlled by socially and economically
8 disadvantaged individuals, veteran-owned small busi-
9 nesses, service-disabled, veteran-owned small busi-
10 nesses, and women-owned small businesses;

11 “(C) excessive use of contract bundling and
12 availability of non-bundled contract vehicles;

13 “(D) workforce quality and program manager
14 tenure (where applicable);

15 “(E) the quality of market research;

16 “(F) appropriate use of integrated testing;

17 “(G) appropriate consideration of long-term
18 sustainment and energy efficiency; and

19 “(H) appropriate acquisition of technical data
20 and other rights and assets necessary to support
21 long-term sustainment.

22 “(2) Each service acquisition executive within the De-
23 partment of Defense shall establish goals and standards
24 (including, at a minimum, a threshold standard and an
25 objective goal) for each metric established under para-

1 graph (1) by the executive. In establishing the goals and
2 standards for an element of the defense acquisition sys-
3 tem, a service acquisition executive shall consult with the
4 head of the element to the maximum extent practicable,
5 but the service acquisition executive shall retain the final
6 authority to determine the goals and standards estab-
7 lished. The service acquisition executive shall update the
8 goals and standards as necessary and appropriate con-
9 sistent with the guidance issued under subsection (b)(2).

10 “(3) The Under Secretary of Defense for Acquisition,
11 Technology, and Logistics shall periodically review the
12 metrics, goals, and standards established by service acqui-
13 sition executives under this subsection to ensure that they
14 are consistent with the guidance issued under subsection
15 (b)(2).

16 “(d) RESPONSIBILITY FOR OVERSIGHT AND DIREC-
17 TION OF PERFORMANCE ASSESSMENTS.—(1) Perform-
18 ance assessments required by subsection (a) shall either
19 be carried out by, or shall be subject to the oversight of,
20 the Director of the Office of Performance Assessment and
21 Root Cause Analysis. The authority and responsibility
22 granted by this subsection is in addition to any other au-
23 thority or responsibility granted to the Director of the Of-
24 fice of Performance Assessment and Root Cause Analysis
25 by the Secretary of Defense or by any other provision of

1 law. In the performance of duties pursuant to this section,
2 the Director of the Office of Performance Assessment and
3 Root Cause Analysis shall coordinate with the Deputy
4 Chief Management Officer to ensure that performance as-
5 sessments carried out pursuant to this section are con-
6 sistent with the performance management initiatives of
7 the Department of Defense.

8 “(2) A performance assessment may be carried out
9 by an organization under the control of the service acquisi-
10 tion executive of a military department if—

11 “(A) the assessment fulfills the requirements of
12 subsection (a);

13 “(B) the organization is approved to carry out
14 the assessment by the Director of the Office of Per-
15 formance Assessment and Root Cause Analysis; and

16 “(C) the assessment is subject to the oversight
17 of the Director of the Office of Performance Assess-
18 ment and Root Cause Analysis in accordance with
19 paragraph (1).

20 “(e) RETENTION AND ACCESS TO RECORDS OF PER-
21 FORMANCE ASSESSMENTS WITHIN THE MILITARY DE-
22 PARTMENTS AND DEFENSE AGENCIES.—The Secretary of
23 Defense shall ensure that information from performance
24 assessments of all elements of the defense acquisition sys-
25 tem are retained electronically and that the Director of

1 the Office of Performance Assessment and Root Cause
2 Analysis—

3 “(1) promptly receives the results of all per-
4 formance assessments conducted by an organization
5 under the control of the service acquisition executive
6 of a military department; and

7 “(2) has timely access to any records and data
8 in the Department of Defense (including the records
9 and data of each military department and Defense
10 Agency and including classified and proprietary in-
11 formation) that the Director considers necessary to
12 review in order to perform or oversee performance
13 assessments pursuant to this section.

14 “(f) INCLUSION IN ANNUAL REPORT.—The Director
15 of the Office of Performance Assessment and Root Cause
16 Analysis shall include information on the activities under-
17 taken by the Director under this section in the annual re-
18 port of the Director required under section 103(f) of the
19 Weapon Systems Acquisition Reform Act of 2009 (Public
20 Law 111–23; 123 Stat. 1716), including information on
21 any performance assessment required by subsection (a)
22 with significant findings. In addition, if a performance as-
23 sessment uncovers particularly egregious problems, as
24 identified by the Director, the Director shall submit to the
25 Committees on Armed Services of the Senate and the

1 House of Representatives a report on such problems with-
2 in 30 days after the problems are identified.

3 “(g) DEFINITIONS.—In this section:

4 “(1) The term ‘defense acquisition system’
5 means the acquisition workforce; the process by
6 which the Department of Defense manages the ac-
7 quisition of goods and services, including weapon
8 systems, commodities, commercial and military
9 unique services, and information technology; and the
10 management structure for carrying out the acquisi-
11 tion function within the Department of Defense.

12 “(2) The term ‘element of the defense acquisi-
13 tion system’ means an organization that operates
14 within the defense acquisition system and that fo-
15 cuses primarily on acquisition.

16 “(3) The term ‘metric’ means a specific meas-
17 ure that serves as a basis for comparison.

18 “(4) The term ‘threshold performance standard’
19 means the minimum acceptable level of performance
20 in relation to a metric.

21 “(5) The term ‘objective performance goal’
22 means the most desired level of performance in rela-
23 tion to a metric.

24 “(6) The term ‘Office of Performance Assess-
25 ment and Root Cause Analysis’ means the office re-

1 reporting to the senior official designated by the Sec-
2 retary of Defense under section 103(a) of the Weap-
3 on Systems Acquisition Reform Act of 2009 (Public
4 Law 111–23, 10 U.S.C. 2430 note).

5 **“§ 2546. Audits of performance assessments**

6 “(a) AUDITS REQUIRED.—The Secretary of Defense
7 shall ensure that the performance assessments of the de-
8 fense acquisition system required by section 2545 of this
9 title are subject to periodic audits to determine the accu-
10 racy, reliability, and completeness of such assessments.

11 “(b) STANDARDS AND APPROACH.—In performing
12 the audits required by subsection (a), the Secretary shall
13 ensure that such audits—

14 “(1) comply with generally accepted government
15 auditing standards issued by the Comptroller Gen-
16 eral;

17 “(2) use a risk-based approach to audit plan-
18 ning; and

19 “(3) appropriately account for issues associated
20 with auditing assessments of activities occurring in
21 a contingency operation.

22 **“§ 2547. Use of performance assessments for man-
23 aging performance**

24 “(a) IN GENERAL.—The Secretary of Defense shall
25 ensure that the results of performance assessments are

1 used in the management of elements of the defense acqui-
2 sition system through direct linkages between the results
3 of a performance assessment and the following:

4 “(1) The size of the bonus pool available to the
5 workforce of an element of the defense acquisition
6 system.

7 “(2) Rates of promotion in the workforce of an
8 element of the defense acquisition system.

9 “(3) Awards for acquisition excellence.

10 “(4) The scope of work assigned to an element
11 of the defense acquisition system.

12 “(b) **ADDITIONAL REQUIREMENTS.**—The Secretary
13 of Defense shall ensure that actions taken to manage the
14 acquisition workforce pursuant to subsection (a) are un-
15 dertaken in accordance with the requirements of sub-
16 sections (c) and (d) of section 1701a of this title.

17 **“§ 2548. Acquisition-related functions of the Chiefs of**
18 **Staff of the armed forces**

19 “(a) **ASSISTANCE.**—The Secretary of Defense shall
20 ensure, notwithstanding section 3014(c)(1)(A), section
21 5014(c)(1)(A), and section 8014(c)(1)(A) of this title, that
22 the Chief of Staff of the Army, the Chief of Naval Oper-
23 ations, the Chief of Staff of the Air Force, and the Com-
24 mandant of the Marine Corps assist the Secretary of the

1 military department concerned in the performance of the
2 following acquisition-related functions of such department:

3 “(1) The development of requirements relating
4 to the defense acquisition system.

5 “(2) The development of measures to control
6 requirements creep in the defense acquisition sys-
7 tem.

8 “(3) The development of career paths in acqui-
9 sition for military personnel (as required by section
10 1722a of this title).

11 “(4) The assignment and training of con-
12 tracting officer representatives when such represent-
13 atives are required to be members of the armed
14 forces because of the nature of the contract con-
15 cerned.

16 “(b) DEFINITIONS.—In this section:

17 “(1) The term ‘requirements creep’ means the
18 addition of new technical or operational specifica-
19 tions after a requirements document is approved.

20 “(2) The term ‘requirements document’ means
21 a document produced in the requirements process
22 that is provided for an acquisition program to guide
23 the subsequent development, production, and testing
24 of the program and that—

1 “(A) justifies the need for a materiel ap-
2 proach, or an approach that is a combination of
3 materiel and non-materiel, to satisfy one or
4 more specific capability gaps;

5 “(B) details the information necessary to
6 develop an increment of militarily useful,
7 logistically supportable, and technically mature
8 capability, including key performance param-
9 eters; or

10 “(C) identifies production attributes re-
11 quired for a single increment of a program.”.

12 (2) CLERICAL AMENDMENTS.—The table of
13 chapters at the beginning of subtitle A of title 10,
14 United States Code, and at the beginning of part IV
15 of such subtitle, are each amended by inserting after
16 the item relating to chapter 148 the following new
17 item:

“149. Performance Management of the Defense Acquisition System 2545”.

18 (b) PHASED IMPLEMENTATION OF PERFORMANCE
19 ASSESSMENTS.—The Secretary of Defense shall imple-
20 ment the requirements of chapter 149 of title 10, United
21 States Code, as added by subsection (a), in a phased man-
22 ner while guidance is issued, and categories, metrics,
23 goals, and standards are established. Implementation shall
24 begin with a cross section of elements of the defense acqui-
25 sition system representative of the entire system and shall

1 be completed for all elements not later than two years
2 after the date of the enactment of this Act.

3 **SEC. 102. MEANINGFUL CONSIDERATION BY JOINT RE-**
4 **QUIREMENTS OVERSIGHT COUNCIL OF**
5 **INPUT FROM CERTAIN OFFICIALS.**

6 (a) ADVISORS TO THE JOINT REQUIREMENTS OVER-
7 SIGHT COUNCIL.—

8 (1) ADDITIONAL CIVILIAN ADVISORS.—Sub-
9 section (d)(1) of section 181 of title 10, United
10 States Code, is amended by striking “The Under
11 Secretary” and all that follows through “and exper-
12 tise.” and inserting the following: “The following of-
13 ficials of the Department of Defense shall serve as
14 advisors to the Council on matters within their au-
15 thority and expertise:

16 “(A) The Under Secretary of Defense for Ac-
17 quisition, Technology, and Logistics.

18 “(B) The Under Secretary of Defense (Comp-
19 troller).

20 “(C) The Under Secretary of Defense for Pol-
21 icy.

22 “(D) The Director of Cost Assessment and Pro-
23 gram Evaluation.”.

1 (2) ROLE OF COMBATANT COMMANDERS AS
2 MEMBERS OF THE JROC.—Paragraph (1) of sub-
3 section (c) of such section is amended—

4 (A) by striking “and” at the end of sub-
5 paragraph (D);

6 (B) by striking the period at the end of
7 subparagraph (E) and inserting “; and”; and

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

10 “(F) when directed by the chairman, the
11 commander of any combatant command (or, as
12 directed by that commander, the deputy com-
13 mander of that command) when matters related
14 to the area of responsibility or functions of that
15 command will be under consideration by the
16 Council.”.

17 (b) AMENDMENT RELATED TO REPORT.—Paragraph
18 (2) of section 105(c) of the Weapon Systems Acquisition
19 Reform Act of 2009 (Public Law 111–23; 123 Stat. 1718)
20 is amended to read as follows:

21 “(2) MATTERS COVERED.—The report shall in-
22 clude, at a minimum, an assessment of—

23 “(A) the extent to which the Council has
24 effectively sought, and the commanders of the
25 combatant commands have provided, meaning-

1 ful input on proposed joint military require-
2 ments;

3 “(B) the extent to which the Council has
4 meaningfully considered the input and expertise
5 of the Under Secretary of Defense for Acquisi-
6 tion, Technology, and Logistics in its discus-
7 sions;

8 “(C) the extent to which the Council has
9 meaningfully considered the input and expertise
10 of the Director of Cost Assessment and Pro-
11 gram Evaluation in its discussions;

12 “(D) the quality and effectiveness of ef-
13 forts to estimate the level of resources needed
14 to fulfill joint military requirements; and

15 “(E) the extent to which the Council has
16 considered trade-offs among cost, schedule, and
17 performance objectives.”.

18 (c) ASSESSMENT OF INDEPENDENCE OF COST ESTI-
19 MATORS AND COST ANALYSTS REQUIRED IN NEXT AN-
20 NUAL REPORT ON COST ASSESSMENT ACTIVITIES.—In
21 the next annual report prepared by the Director of Cost
22 Assessment and Program Evaluation under section
23 2334(e) of title 10, United States Code, the Director shall
24 include an assessment of whether and to what extent per-
25 sonnel responsible for cost estimates or cost analysis devel-

1 oped by a military department or defense agency for a
2 major defense acquisition program are independent and
3 whether their independence or lack thereof affects their
4 ability to generate reliable cost estimates.

5 **SEC. 103. PERFORMANCE MANAGEMENT FOR THE JOINT**
6 **CAPABILITIES INTEGRATION AND DEVELOP-**
7 **MENT SYSTEM.**

8 (a) **REQUIREMENT FOR PROGRAM.**—The Secretary of
9 Defense shall ensure that the Department of Defense de-
10 velops and implements a program to manage performance
11 in establishing joint military requirements pursuant to
12 section 181 of title 10, United States Code.

13 (b) **LEADERS.**—The Secretary of Defense shall des-
14 ignate an officer identified or designated as a joint quali-
15 fied officer to serve as leader of a joint effort to develop
16 the performance management program required by sub-
17 section (a). The Secretary shall also designate an officer
18 from each Armed Force to serve as leader of the effort
19 within the Armed Force concerned. Officers designated
20 pursuant to this section shall have the seniority and au-
21 thority necessary to oversee and direct all personnel en-
22 gaged in establishing joint military requirements within
23 the Joint Staff or within the Armed Force concerned.

24 (c) **MATTERS COVERED.**—The program developed
25 pursuant to subsection (a) shall:

1 (1) Measure the following in relation to each
2 joint military requirement:

3 (A) The time a requirements document
4 takes to receive validation through the require-
5 ments process.

6 (B) The quality of cost information associ-
7 ated with the requirement and the extent to
8 which cost information was considered during
9 the requirements process.

10 (C) The extent to which the requirements
11 process established a meaningful level of pri-
12 ority for the requirement.

13 (D) The extent to which the requirements
14 process considered trade-offs between cost,
15 schedule, and performance objectives.

16 (E) The quality of information on
17 sustainment associated with the requirement
18 and the extent to which sustainment informa-
19 tion was considered during the requirements
20 process.

21 (F) Such other matters as the Secretary
22 shall determine appropriate.

23 (2) Achieve, to the maximum extent practicable,
24 the following outcomes in the requirements process:

1 (A) Timeliness in delivering capability to
2 the warfighter.

3 (B) Mechanisms for controlling require-
4 ments creep.

5 (C) Responsiveness to fact-of-life changes
6 occurring after the approval of a requirements
7 document, including changes to the threat envi-
8 ronment, the emergence of new capabilities, or
9 changes in the resources estimated to procure
10 or sustain a capability.

11 (D) The development of the personnel
12 skills, capacity, and training needed for an ef-
13 fective and efficient requirements process.

14 (E) Such other outcomes as the Secretary
15 shall determine appropriate.

16 (d) IMPLEMENTATION.—The program required by
17 subsection (a) shall be developed and initially implemented
18 not later than one year after the date of the enactment
19 of this Act and shall apply to requirements documents en-
20 tering the requirements process after the date of initial
21 implementation.

22 (e) INITIAL REPORT.—Not later than 90 days after
23 the initial implementation of the program required by sub-
24 section (a), the Secretary shall submit to the congressional
25 defense committees a report on the steps taken to develop

1 and implement the performance management program for
2 joint military requirements. The report shall address the
3 measures specified in subsection (c)(1).

4 (f) FINAL REPORT.—Not later than four years after
5 the initial implementation of the program required by sub-
6 section (a), the Secretary shall submit to the congressional
7 defense committees a report on the effectiveness of the
8 program for joint military requirements in achieving the
9 outcomes specified in subsection (c)(2).

10 (g) DEFINITIONS.—In this section:

11 (1) REQUIREMENTS PROCESS.—The term “re-
12 quirements process” means the Joint Capabilities
13 Integration and Development System (JCIDS) proc-
14 ess or any successor to such process established by
15 the Chairman of the Joint Chiefs of Staff to support
16 the statutory responsibility of the Joint Require-
17 ments Oversight Council in advising the Chairman
18 and the Secretary of Defense in identifying, assess-
19 ing, and validating joint military capability needs,
20 with their associated operational performance cri-
21 teria, in order to successfully execute missions.

22 (2) REQUIREMENTS DOCUMENT.—The term
23 “requirements document” means a document pro-
24 duced in the requirements process that is provided
25 for an acquisition program to guide the subsequent

1 development, production, and testing of the program
2 and that—

3 (A) justifies the need for a materiel ap-
4 proach, or an approach that is a combination of
5 materiel and non-materiel, to satisfy one or
6 more specific capability gaps;

7 (B) details the information necessary to
8 develop an increment of militarily useful,
9 logistically supportable, and technically mature
10 capability, including key performance param-
11 eters; or

12 (C) identifies production attributes re-
13 quired for a single increment of a program.

14 (3) REQUIREMENTS CREEP.—The term “re-
15 quirements creep” means the addition of new tech-
16 nical or operational specifications after a require-
17 ments document is approved.

18 (h) DISCRETIONARY IMPLEMENTATION AFTER FIVE
19 YEARS.—After the date that is five years after the initial
20 implementation of the performance management program
21 under this section, the requirement to implement a pro-
22 gram under this section shall be at the discretion of the
23 Secretary of Defense.

1 **SEC. 104. REQUIREMENTS FOR THE ACQUISITION OF SERV-**
2 **ICES.**

3 (a) **PROCESS REQUIRED.**—The Secretary of Defense
4 shall ensure that each military department establishes a
5 process for identifying, assessing, and approving require-
6 ments for the acquisition of services, and that com-
7 manders of unified combatant commands and other offi-
8 cers identified or designated as joint qualified officers have
9 an opportunity to participate in the process of each mili-
10 tary department to provide input on joint requirements
11 for the acquisition of services.

12 (b) **GUIDANCE AND PLAN REQUIRED.**—The Chief of
13 Staff of the Army, the Chief of Naval Operations, the
14 Chief of Staff of the Air Force, and the Commandant of
15 the Marine Corps shall—

16 (1) issue and maintain guidance relating to
17 each process established under subsection (a); and

18 (2) develop a plan to implement each process
19 established under subsection (a).

20 (c) **MATTERS REQUIRED IN GUIDANCE.**—The guid-
21 ance issued under subsection (b) shall establish, in relation
22 to a process for identifying, assessing, and approving re-
23 quirements for the acquisition of services, the following:

24 (1) Organization of such process.

25 (2) The level of command responsibility re-
26 quired for identifying and validating requirements

1 for the acquisition of services in accordance with the
2 categories established under section 2330(a)(1)(C)
3 of title 10, United States Code.

4 (3) The composition of billets necessary to oper-
5 ate such process.

6 (4) The training required for personnel engaged
7 in such process.

8 (5) The relationship between doctrine and such
9 process.

10 (6) Methods of obtaining input on joint require-
11 ments for the acquisition of services.

12 (7) Procedures for coordinating with the acqui-
13 sition process.

14 (8) Considerations relating to opportunities for
15 strategic sourcing.

16 (d) MATTERS REQUIRED IN IMPLEMENTATION
17 PLAN.—Each plan required under subsection (b) shall
18 provide for initial implementation of a process for identi-
19 fying, assessing, and approving requirements for the ac-
20 quisition of services not later than 180 days after the date
21 of the enactment of this Act and shall provide for full im-
22 plementation of such process at the earliest date prac-
23 ticable.

24 (e) CONSISTENCY WITH JOINT GUIDANCE.—When-
25 ever, at any time, guidance is issued by the Chairman of

1 the Joint Chiefs of Staff relating to requirements for the
2 acquisition of services, each process established under sub-
3 section (a) shall be revised in accordance with such joint
4 guidance.

5 (f) DEFINITION.—The term “requirements for the
6 acquisition of services” means objectives to be achieved
7 through acquisitions primarily involving the procurement
8 of services.

9 **SEC. 105. JOINT EVALUATION TASK FORCES.**

10 (a) TASK FORCES REQUIRED.—For each joint mili-
11 tary requirement involving a materiel solution for which
12 the Chairman of the Joint Requirements Oversight Coun-
13 cil is the validation authority, the Chairman shall des-
14 ignate a commander of a unified combatant command to
15 provide a joint evaluation task force to participate in such
16 materiel solution. Such task force shall—

17 (1) come from a military unit or units des-
18 ignated by the combatant commander concerned;

19 (2) be selected based on the relevance of such
20 materiel solution to the mission of the unit; and

21 (3) participate consistent with its operational
22 obligations.

23 (b) RESPONSIBILITIES.—A task force provided pur-
24 suant to subsection (a) shall, for the materiel solution con-
25 cerned—

- 1 (1) provide input to the analysis of alternatives;
- 2 (2) participate in testing (including limited user
- 3 tests and prototype testing);
- 4 (3) provide input on a concept of operations
- 5 and doctrine;
- 6 (4) provide end user feedback to the resource
- 7 sponsor; and
- 8 (5) participate, through the combatant com-
- 9 mander concerned, in any alteration of the require-
- 10 ment for such solution.

11 (c) ADMINISTRATIVE SUPPORT.—The resource spon-

12 sor for the joint military requirement shall provide admin-

13 istrative support to the joint evaluation task force for pur-

14 poses of carrying out this section.

15 (d) DEFINITIONS.—In this section:

16 (1) RESOURCE SPONSOR.—The term “resource

17 sponsor” means the organization responsible for all

18 common documentation, periodic reporting, and

19 funding actions required to support the capabilities

20 development and acquisition process for the materiel

21 solution.

22 (2) MATERIEL SOLUTION.—The term “materiel

23 solution” means the development, acquisition, pro-

24 curement, or fielding of a new item, or of a modi-

1 fication to an existing item, necessary to equip, oper-
2 ate, maintain, and support military activities.

3 **SEC. 106. REVIEW OF DEFENSE ACQUISITION GUIDANCE.**

4 (a) REVIEW OF GUIDANCE.—The Secretary of De-
5 fense shall review the acquisition guidance of the Depart-
6 ment of Defense, including, at a minimum, the guidance
7 contained in Department of Defense Instruction 5000.02
8 entitled “Operation of the Defense Acquisition System”.

9 (b) MATTERS CONSIDERED.—The review performed
10 under subsection (a) shall consider—

11 (1) the extent to which it is appropriate to
12 apply guidance primarily relating to the acquisition
13 of weapon systems to acquisitions not involving
14 weapon systems (including the acquisition of com-
15 mercial goods and commodities, commercial and
16 military unique services, and information tech-
17 nology);

18 (2) whether long-term sustainment and energy
19 efficiency of weapon systems is appropriately empha-
20 sized;

21 (3) whether appropriate mechanisms exist to
22 communicate information relating to the mission
23 needs of the Department of Defense to the industrial
24 base in a way that allows the industrial base to
25 make appropriate investments in infrastructure, ca-

1 capacity, and technology development to help meet
2 such needs;

3 (4) the extent to which earned value manage-
4 ment should be required on acquisitions not involv-
5 ing the acquisition of weapon systems and whether
6 measures of quality and technical performance
7 should be included in any earned value management
8 system;

9 (5) the extent to which it is appropriate to
10 apply processes primarily relating to the acquisition
11 of weapon systems to the acquisition of information
12 technology systems, consistent with the requirement
13 to develop an alternative process for such systems
14 contained in section 804 of the National Defense
15 Authorization Act for Fiscal Year 2010 (Public Law
16 111–84; 123 Stat. 2401; 10 U.S.C. 2225 note); and

17 (6) such other matters as the Secretary con-
18 siders appropriate.

19 (c) REPORT.—Not later than 270 days after the date
20 of the enactment of this Act, the Secretary of Defense
21 shall submit to the Committees on Armed Services of the
22 Senate and of the House of Representatives a report de-
23 tailing any changes in the acquisition guidance of the De-
24 partment of Defense identified during the review required

1 by subsection (a), and any actions taken, or planned to
2 be taken, to implement such changes.

3 **SEC. 107. REQUIREMENT TO INCLUDE REFERENCES TO**
4 **SERVICES ACQUISITION THROUGHOUT THE**
5 **FEDERAL ACQUISITION REGULATION.**

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

7 (1) The acquisition of services can be extremely
8 complex, and program management skills, tools, and
9 processes need to be applied to services acquisitions.

10 (2) An emphasis on the concept of “services”
11 throughout the Federal Acquisition Regulation
12 would enhance and support the procurement and
13 project management community in all aspects of the
14 acquisition planning process, including requirements
15 development, assessment of reasonableness, and
16 post-award management and oversight.

17 (b) REQUIREMENT FOR CHANGES TO FAR.—The
18 Federal Acquisition Regulation shall be revised to provide,
19 throughout the Regulation, appropriate references to serv-
20 ices acquisition that are in addition to references provided
21 in part 37 (which relates specifically to services acquisi-
22 tion).

23 (c) DEADLINE.—This section shall be carried out
24 within 270 days after the date of the enactment of this
25 Act.

1 **SEC. 108. PROCUREMENT OF MILITARY PURPOSE NON-**
2 **DEVELOPMENTAL ITEMS.**

3 (a) IN GENERAL.—

4 (1) PROCUREMENT OF MILITARY PURPOSE
5 NONDEVELOPMENTAL ITEMS.—Chapter 141 of title
6 10, United States Code, is amended by adding at
7 the end the following new section:

8 **“§ 2410r. Military purpose nondevelopmental items**

9 “(a) DEFINITIONS.—In this section:

10 “(1) The term ‘military purpose nondevelop-
11 mental item’ means an item—

12 “(A) developed exclusively at private ex-
13 pense;

14 “(B) that meets a validated military re-
15 quirement, as certified in writing by the respon-
16 sible program manager;

17 “(C) for which delivery of an initial lot of
18 production-representative items may be made
19 within 9 months after contract award; and

20 “(D) for which the unit cost is less than
21 \$10,000,000.

22 “(2) The term ‘item’ has the meaning provided
23 in section 2302(3) of this title.

24 “(b) REQUIREMENTS.—The Secretary of Defense
25 shall ensure that, with respect to a contract for the acqui-

1 sition of a military purpose nondevelopmental item, the
2 following requirements apply:

3 “(1) The contract shall be awarded using com-
4 petitive procedures in accordance with section 2304
5 of this title.

6 “(2) Certain contract clauses, as specified in
7 regulations prescribed under subsection (c), shall be
8 included in each such contract.

9 “(3) The type of contract used shall be a firm,
10 fixed price type contract.

11 “(4) Nothing in the contract shall further re-
12 strict or otherwise affect the rights in technical data
13 of the Government, the contractor, or any subcon-
14 tractor of the contractor for items developed by the
15 contractor or any such subcontractor exclusively at
16 private expense, as prescribed in regulations imple-
17 menting section 2320(a)(2)(B) of this title.

18 “(c) REGULATIONS.—The Secretary of Defense shall
19 prescribe regulations to carry out this section. Such regu-
20 lations shall be included in regulations of the Department
21 of Defense prescribed as part of the Federal Acquisition
22 Regulation. At a minimum, the regulations shall include—

23 “(1) a list of contract clauses to be included in
24 each contract for the acquisition of a military pur-
25 pose nondevelopmental item;

1 “(2) definitions for the terms ‘developed’ and
2 ‘exclusively at private expense’ that—

3 “(A) are consistent with the definitions de-
4 veloped for such terms in accordance with
5 2320(a)(3) of this title; and

6 “(B) also exclude an item developed in
7 part or in whole with—

8 “(i) foreign government funding; or

9 “(ii) foreign or Federal Government
10 loan financing at nonmarket rates; and

11 “(3) standards for evaluating the reasonable-
12 ness of price for the military purpose nondevelop-
13 mental item, in lieu of certified cost or pricing
14 data.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of such chapter is amended
17 by adding at the end the following new item:

“2410r. Military purpose nondevelopmental items.”.

18 (b) COST OR PRICING DATA EXCEPTION.—Section
19 2306a(b)(1) of title 10, United States Code, is amended—

20 (1) by striking “or” at the end of subparagraph
21 (B);

22 (2) by striking the period at the end of sub-
23 paragraph (C) and inserting “; or”; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(D) for the acquisition of a military pur-
 2 pose nondevelopmental item, as defined in sec-
 3 tion 2410r of this title, if the contracting officer
 4 determines in writing that—

5 “(i) the contract, subcontract or modi-
 6 fication will be a firm, fixed price type con-
 7 tract; and

8 “(ii) the offeror has submitted suffi-
 9 cient information to evaluate, through
 10 price analysis, the reasonableness of the
 11 price for the military purpose nondevelop-
 12 mental item.”.

13 (c) EFFECTIVE DATE.—Section 2410r of title 10,
 14 United States Code, as added by subsection (a), and the
 15 amendment made by subsection (b), shall apply with re-
 16 spect to contracts entered into after the date that is 120
 17 days after the date of the enactment of this Act.

18 **TITLE II—DEFENSE**

19 **ACQUISITION WORKFORCE**

20 **SEC. 201. ACQUISITION WORKFORCE EXCELLENCE.**

21 (a) IN GENERAL.—

22 (1) ACQUISITION WORKFORCE EXCELLENCE.—

23 Subchapter I of chapter 87 of title 10, United States
 24 Code, is amended by inserting after section 1701 the
 25 following new section:

1 **“§ 1701a. Management for acquisition workforce ex-**
2 **cellence**

3 “(a) PURPOSE.—The purpose of this chapter is to re-
4 quire the Department of Defense to develop and manage
5 a highly skilled professional acquisition workforce—

6 “(1) in which excellence and contribution to
7 mission is rewarded;

8 “(2) which has the technical expertise and busi-
9 ness skills to ensure the Department receives the
10 best value for the expenditure of public resources;

11 “(3) which serves as a model for performance
12 management of employees of the Department; and

13 “(4) which is managed in a manner that com-
14 plements and reinforces the performance manage-
15 ment of the defense acquisition system pursuant to
16 chapter 149 of this title.

17 “(b) PERFORMANCE MANAGEMENT.—In order to
18 achieve the purpose set forth in subsection (a), the Sec-
19 retary of Defense shall—

20 “(1) use the full authorities provided in sub-
21 sections (a) through (d) of section 9902 of title 5,
22 including flexibilities related to performance manage-
23 ment and hiring and to training of managers;

24 “(2) require managers to develop performance
25 plans for individual members of the acquisition
26 workforce in order to give members an under-

1 standing of how their performance contributes to
2 their organization’s mission and the success of the
3 defense acquisition system (as defined in section
4 2545 of this title);

5 “(3) to the extent appropriate, use the lessons
6 learned from the acquisition demonstration project
7 carried out under section 1762 of this title related
8 to contribution-based compensation and appraisal,
9 and how those lessons may be applied within the
10 General Schedule system;

11 “(4) develop attractive career paths;

12 “(5) encourage continuing education and train-
13 ing;

14 “(6) develop appropriate procedures for warn-
15 ings during performance evaluations and due process
16 for members of the acquisition workforce who con-
17 sistently fail to meet performance standards;

18 “(7) take full advantage of the Defense Civilian
19 Leadership Program established under section 1112
20 of the National Defense Authorization Act for Fiscal
21 Year 2010 (Public Law 111–84; 123 Stat. 2496; 10
22 U.S.C. 1580 note prec.);

23 “(8) use the authorities for highly qualified ex-
24 perts under section 9903 of title 5, to hire experts
25 who are skilled acquisition professionals to—

1 “(A) serve in leadership positions within
2 the acquisition workforce to strengthen manage-
3 ment and oversight;

4 “(B) provide mentors to advise individuals
5 within the acquisition workforce on their career
6 paths and opportunities to advance and excel
7 within the acquisition workforce; and

8 “(C) assist with the design of education
9 and training courses and the training of indi-
10 viduals in the acquisition workforce; and

11 “(9) use the authorities for expedited security
12 clearance processing pursuant to section 1564 of
13 this title.

14 “(c) NEGOTIATIONS.—Any action taken by the Sec-
15 retary under this section, or to implement this section,
16 shall be subject to the requirements of chapter 71 of title
17 5.

18 “(d) REGULATIONS.—Any rules or regulations pre-
19 scribed pursuant to this section shall be deemed an agency
20 rule or regulation under section 7117(a)(2) of title 5, and
21 shall not be deemed a Government-wide rule or regulation
22 under section 7117(a)(1) of such title.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such subchapter is amend-

1 ed by inserting after the item relating to section
2 1701 the following new item:

“1701a. Management for acquisition workforce excellence.”.

3 (b) **AUTHORITY TO APPOINT HIGHLY QUALIFIED**
4 **EXPERTS ON PART-TIME BASIS.**—Section 9903(b)(1) of
5 title 5, United States Code, is amended by inserting “,
6 on a full-time or part-time basis,” after “positions in the
7 Department of Defense” the first place it appears.

8 **SEC. 202. AMENDMENTS TO THE ACQUISITION WORKFORCE**
9 **DEMONSTRATION PROJECT.**

10 (a) **CODIFICATION INTO TITLE 10.**—

11 (1) **IN GENERAL.**—Chapter 87 of title 10,
12 United States Code, is amended by inserting after
13 section 1761 the following new section:

14 **“§ 1762. Demonstration project relating to certain ac-**
15 **quisition personnel management policies**
16 **and procedures**

17 “(a) **COMMENCEMENT.**—The Secretary of Defense is
18 encouraged to carry out a demonstration project, the pur-
19 pose of which is to determine the feasibility or desirability
20 of one or more proposals for improving the personnel man-
21 agement policies or procedures that apply with respect to
22 the acquisition workforce of the Department of Defense
23 and supporting personnel assigned to work directly with
24 the acquisition workforce.

1 “(b) TERMS AND CONDITIONS.—(1) Except as other-
2 wise provided in this subsection, any demonstration
3 project described in subsection (a) shall be subject to sec-
4 tion 4703 of title 5 and all other provisions of such title
5 that apply with respect to any demonstration project
6 under such section.

7 “(2) Subject to paragraph (3), in applying section
8 4703 of title 5 with respect to a demonstration project
9 described in subsection (a)—

10 “(A) ‘180 days’ in subsection (b)(4) of such
11 section shall be deemed to read ‘120 days’;

12 “(B) ‘90 days’ in subsection (b)(6) of such sec-
13 tion shall be deemed to read ‘30 days’; and

14 “(C) subsection (d)(1) of such section shall be
15 disregarded.

16 “(3) Paragraph (2) shall not apply with respect to
17 a demonstration project unless—

18 “(A) for each organization or team partici-
19 pating in the demonstration project—

20 “(i) at least one-third of the workforce par-
21 ticipating in the demonstration project consists
22 of members of the acquisition workforce; and

23 “(ii) at least two-thirds of the workforce
24 participating in the demonstration project con-
25 sists of members of the acquisition workforce

1 and supporting personnel assigned to work di-
2 rectly with the acquisition workforce; and

3 “(B) the demonstration project commences be-
4 fore October 1, 2007.

5 “(c) LIMITATION ON NUMBER OF PARTICIPANTS.—
6 The total number of persons who may participate in the
7 demonstration project under this section may not exceed
8 120,000.

9 “(d) EFFECT OF REORGANIZATIONS.—The applica-
10 bility of paragraph (2) of subsection (b) to an organization
11 or team shall not terminate by reason that the organiza-
12 tion or team, after having satisfied the conditions in para-
13 graph (3) of such subsection when it began to participate
14 in a demonstration project under this section, ceases to
15 meet one or both of the conditions set forth in subpara-
16 graph (A) of such paragraph (3) as a result of a reorga-
17 nization, restructuring, realignment, consolidation, or
18 other organizational change.

19 “(e) ASSESSMENT.—(1) The Secretary of Defense
20 shall designate an independent organization to review the
21 acquisition workforce demonstration project described in
22 subsection (a).

23 “(2) Such assessment shall include:

24 “(A) A description of the workforce included in
25 the project.

1 “(B) An explanation of the flexibilities used in
2 the project to appoint individuals to the acquisition
3 workforce and whether those appointments are based
4 on competitive procedures and recognize veteran’s
5 preferences.

6 “(C) An explanation of the flexibilities used in
7 the project to develop a performance appraisal sys-
8 tem that recognizes excellence in performance and
9 offers opportunities for improvement.

10 “(D) The steps taken to ensure that such sys-
11 tem is fair and transparent for all employees in the
12 project.

13 “(E) How the project allows the organization to
14 better meet mission needs.

15 “(F) An analysis of how the flexibilities in sub-
16 paragraphs (B) and (C) are used, and what barriers
17 have been encountered that inhibit their use.

18 “(G) Whether there is a process for—

19 “(i) ensuring ongoing performance feed-
20 back and dialogue among supervisors, man-
21 agers, and employees throughout the perform-
22 ance appraisal period; and

23 “(ii) setting timetables for performance ap-
24 praisals.

1 “(H) The project’s impact on career progres-
2 sion.

3 “(I) The project’s appropriateness or inappro-
4 priateness in light of the complexities of the work-
5 force affected.

6 “(J) The project’s sufficiency in terms of pro-
7 viding protections for diversity in promotion and re-
8 tention of personnel.

9 “(K) The adequacy of the training, policy
10 guidelines, and other preparations afforded in con-
11 nection with using the project.

12 “(L) Whether there is a process for ensuring
13 employee involvement in the development and im-
14 provement of the project.

15 “(3) The first such assessment under this subsection
16 shall be completed not later than September 30, 2011, and
17 subsequent assessments shall be completed every two
18 years thereafter until the termination of the project. The
19 Secretary shall submit to the covered congressional com-
20 mittees a copy of the assessment within 30 days after re-
21 ceipt by the Secretary of the assessment.

22 “(f) COVERED CONGRESSIONAL COMMITTEES.—In
23 this section, the term ‘covered congressional committees’
24 means—

1 “(1) the Committees on Armed Services of the
2 Senate and the House of Representatives;

3 “(2) the Committee on Homeland Security and
4 Governmental Affairs of the Senate; and

5 “(3) the Committee on Oversight and Govern-
6 ment Reform of the House of Representatives.

7 “(g) TERMINATION OF AUTHORITY.—The authority
8 to conduct a demonstration program under this section
9 shall terminate on September 30, 2017.

10 “(h) CONVERSION.—Within 6 months after the au-
11 thority to conduct a demonstration project under this sec-
12 tion is terminated as provided in subsection (g), employees
13 in the project shall convert to the civilian personnel system
14 created pursuant to section 9902 of title 5.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of subchapter V of chapter 87
17 of title 10, United States Code, is amended by in-
18 serting after the item relating to section 1761 the
19 following new item:

 “1762. Demonstration project relating to certain acquisition personnel manage-
 ment policies and procedures.”.

20 (b) CONFORMING REPEAL.—Section 4308 of the Na-
21 tional Defense Authorization Act for Fiscal Year 1996
22 (Public Law 104–106; 10 U.S.C. 1701 note) is repealed.

1 **SEC. 203. INCENTIVE PROGRAMS FOR CIVILIAN AND MILI-**
2 **TARY PERSONNEL IN THE ACQUISITION**
3 **WORKFORCE.**

4 (a) IN GENERAL.—Chapter 87 of title 10, United
5 States Code, is amended by inserting after section 1762,
6 as added by section 202, the following new section:

7 **“§ 1763. Incentive programs for civilian and military**
8 **personnel in the acquisition workforce**

9 “(a) CIVILIAN ACQUISITION WORKFORCE INCEN-
10 TIVES.—The Secretary of Defense, acting through the
11 Under Secretary of Defense for Acquisition, Technology,
12 and Logistics, shall provide for an enhanced system of in-
13 centives for the encouragement of excellence in the acqui-
14 sition workforce by providing rewards for employees who
15 contribute to achieving the agency’s performance goals.
16 The system of incentives shall include provisions that—

17 “(1) relate salary increases, bonuses, and
18 awards to performance and contribution to the agen-
19 cy mission (including the extent to which the per-
20 formance of personnel in such workforce contributes
21 to achieving the goals and standards established for
22 acquisition programs pursuant to section 2545 of
23 this title);

24 “(2) provide for consideration, in personnel
25 evaluations and promotion decisions, of the extent to
26 which the performance of personnel in such work-

1 force contributes to achieving such goals and stand-
2 ards;

3 “(3) use the Department of Defense Civilian
4 Workforce Incentive Fund established pursuant to
5 section 9902(a) of title 5; and

6 “(4) provide opportunities for career broad-
7 ening experiences for high performers.

8 “(b) MILITARY ACQUISITION WORKFORCE INCEN-
9 TIVES.—The Secretaries of the military departments shall
10 fully use and enhance incentive programs that reward in-
11 dividuals, through recognition certificates or cash awards,
12 for suggestions of process improvements that contribute
13 to improvements in efficiency and economy and a better
14 way of doing business.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of subchapter V of chapter 87 of title
17 10, United States Code, is amended by inserting after the
18 item relating to section 1762, as added by section 202,
19 the following new item:

“1763. Incentive programs for civilian and military personnel in the acquisition
workforce.”.

20 **SEC. 204. CAREER DEVELOPMENT FOR CIVILIAN AND MILI-**
21 **TARY PERSONNEL IN THE ACQUISITION**
22 **WORKFORCE.**

23 (a) CAREER PATHS.—

1 (1) AMENDMENT.—Chapter 87 of title 10,
2 United States Code, is amended by inserting after
3 section 1722a the following new section:

4 **“§ 1722b. Special requirements for civilian employees**
5 **in the acquisition field**

6 “(a) REQUIREMENT FOR POLICY AND GUIDANCE RE-
7 GARDING CIVILIAN PERSONNEL IN ACQUISITION.—The
8 Secretary of Defense, acting through the Under Secretary
9 of Defense for Acquisition, Technology, and Logistics,
10 shall establish policies and issue guidance to ensure the
11 proper development, assignment, and employment of civil-
12 ian members of the acquisition workforce to achieve the
13 objectives specified in subsection (b).

14 “(b) OBJECTIVES.—Policies established and guidance
15 issued pursuant to subsection (a) shall ensure, at a min-
16 imum, the following:

17 “(1) A career path in the acquisition field that
18 attracts the highest quality civilian personnel, from
19 either within or outside the Federal Government.

20 “(2) A deliberate workforce development strat-
21 egy that increases attainment of key experiences
22 that contribute to a highly qualified acquisition
23 workforce.

24 “(3) Sufficient opportunities for promotion and
25 advancement in the acquisition field.

1 “(4) A sufficient number of qualified, trained
2 members eligible for and active in the acquisition
3 field to ensure adequate capacity, capability, and ef-
4 fective succession for acquisition functions, including
5 contingency contracting, of the Department of De-
6 fense.

7 “(5) A deliberate workforce development strat-
8 egy that ensures diversity in promotion, advance-
9 ment, and experiential opportunities commensurate
10 with the general workforce outlined in this section.

11 “(c) INCLUSION OF INFORMATION IN ANNUAL RE-
12 PORT.—The Secretary of Defense shall include in the re-
13 port to Congress required under section 115b(d) of this
14 title the following information related to the acquisition
15 workforce for the period covered by the report (which shall
16 be shown for the Department of Defense as a whole and
17 separately for the Army, Navy, Air Force, Marine Corps,
18 Defense Agencies, and Office of the Secretary of Defense):

19 “(1) The total number of persons serving in the
20 Acquisition Corps, set forth separately for members
21 of the armed forces and civilian employees, by grade
22 level and by functional specialty.

23 “(2) The total number of critical acquisition po-
24 sitions held, set forth separately for members of the
25 armed forces and civilian employees, by grade level

1 and by other appropriate categories (including by
2 program manager, deputy program manager, and di-
3 vision head positions). For each such category, the
4 report shall specify the number of civilians holding
5 such positions compared to the total number of posi-
6 tions filled.

7 “(3) The number of employees to whom the re-
8 quirements of subsections (b)(2)(A) and (b)(2)(B) of
9 section 1732 of this title did not apply because of
10 the exceptions provided in paragraphs (1) and (2) of
11 section 1732(c) of this title, set forth separately by
12 type of exception.

13 “(4) The number of program managers and
14 deputy program managers who were reassigned after
15 completion of a major milestone occurring closest in
16 time to the date on which the person has served in
17 the position for four years (as required under section
18 1734(b) of this title), and the proportion of those re-
19 assignments to the total number of reassignments of
20 program managers and deputy program managers,
21 set forth separately for program managers and dep-
22 uty program managers. The Secretary also shall in-
23 clude the average length of assignment served by
24 program managers and deputy program managers so
25 reassigned.

1 “(5) The number of persons, excluding those
2 reported under paragraph (4), in critical acquisition
3 positions who were reassigned after a period of three
4 years or longer (as required under section 1734(a)
5 of this title), and the proportion of those reassign-
6 ments to the total number of reassignments of per-
7 sons, excluding those reported under paragraph (4),
8 in critical acquisition positions.

9 “(6) The number of times a waiver authority
10 was exercised under section 1724(d), 1732(d),
11 1734(d), or 1736(e) of this title or any other provi-
12 sion of this chapter (or other provision of law) which
13 permits the waiver of any requirement relating to
14 the acquisition workforce, and in the case of each
15 such authority, the reasons for exercising the au-
16 thority. The Secretary may present the information
17 provided under this paragraph by category or group-
18 ing of types of waivers and reasons.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of subchapter II of chapter 87
21 of title 10, United States Code, is amended by in-
22 sserting after the item relating to section 1722a the
23 following new item:

“1722b. Special requirements for civilian employees in the acquisition field.”.

24 (b) CAREER EDUCATION AND TRAINING.—Chapter
25 87 of title 10, United States Code, is amended in section

1 1723 by redesignating subsection (b) as subsection (c) and
2 inserting after subsection (a) the following new subsection:

3 “(b) CAREER PATH REQUIREMENTS.—For each ca-
4 reer path, the Secretary of Defense, acting through the
5 Under Secretary of Defense for Acquisition, Technology,
6 and Logistics shall establish requirements for the comple-
7 tion of course work and related on-the-job training and
8 demonstration of qualifications in the critical acquisition-
9 related duties and tasks of the career path. The Secretary
10 of Defense, acting through the Under Secretary, shall
11 also—

12 “(1) encourage individuals in the acquisition
13 workforce to maintain the currency of their acquisi-
14 tion knowledge and generally enhance their knowl-
15 edge of related acquisition management disciplines
16 through academic programs and other self-develop-
17 mental activities; and

18 “(2) develop key work experiences, including
19 the creation of a program sponsored by the Depart-
20 ment of Defense that facilitates the periodic inter-
21 action between individuals in the acquisition work-
22 force and the end user in such end user’s environ-
23 ment to enhance the knowledge base of such work-
24 force, for individuals in the acquisition workforce so
25 that the individuals may gain in-depth knowledge

1 and experience in the acquisition process and become
2 seasoned, well-qualified members of the acquisition
3 workforce.”.

4 **SEC. 205. RECERTIFICATION AND TRAINING REQUIRE-**
5 **MENTS.**

6 (a) CONTINUING EDUCATION.—Section 1723 of title
7 10, United States Code, as amended by section 204, is
8 further amended by amending subsection (a) to read as
9 follows:

10 “(a) QUALIFICATION REQUIREMENTS.—(1) The Sec-
11 retary of Defense shall establish education, training and
12 experience requirements for each acquisition position,
13 based on the level of complexity of duties carried out in
14 the position. In establishing such requirements, the Sec-
15 retary shall ensure the availability and sufficiency of train-
16 ing in all areas of acquisition, including additional training
17 courses with an emphasis on services contracting, market
18 research strategies (including assessments of local con-
19 tracting capabilities), long-term sustainment strategies,
20 information technology, and rapid acquisition.

21 “(2) In establishing such requirements for positions
22 other than critical acquisition positions designated pursu-
23 ant to section 1733 of this title, the Secretary may state
24 the requirements by categories of positions.

1 “(b) GUIDANCE AND STANDARDS RELATING TO CON-
2 TRACTS FOR TRAINING.—The Secretary of Defense shall
3 develop appropriate guidance and standards to ensure that
4 the Department of Defense will continue, where appro-
5 priate and cost-effective, to enter into contracts for the
6 training requirements of sections 1723, 1724, and 1735
7 of this title, while maintaining appropriate control over the
8 content and quality of such training.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such subchapter is amend-
11 ed by adding at the end the following new item:

“1748. Guidance and standards for acquisition workforce training.”.

12 (3) DEADLINE FOR FULFILLMENT STAND-
13 ARDS.—The fulfillment standards required under
14 section 1748(a) of title 10, United States Code, as
15 added by paragraph (1), shall be developed not later
16 than 90 days after the date of the enactment of this
17 Act.

18 (4) CONFORMING REPEAL.—Section 853 of
19 Public Law 105–85 (111 Stat. 1851) is repealed.

20 **SEC. 206. INFORMATION TECHNOLOGY ACQUISITION**
21 **WORKFORCE.**

22 (a) IN GENERAL.—

23 (1) INFORMATION TECHNOLOGY.—Subchapter
24 II of chapter 87 of title 10, United States Code, is

1 amended by adding at the end the following new sec-
2 tion:

3 **“§ 1725. Information technology acquisition positions**

4 “(a) PLAN REQUIRED.—The Secretary of Defense
5 shall develop and carry out a plan to strengthen the part
6 of the acquisition workforce that specializes in information
7 technology. The plan shall include the following:

8 “(1) Defined targets for billets devoted to infor-
9 mation technology acquisition.

10 “(2) Specific certification requirements for indi-
11 viduals in the acquisition workforce who specialize in
12 information technology acquisition.

13 “(3) Defined career paths for individuals in the
14 acquisition workforce who specialize in information
15 technology acquisitions.

16 “(b) DEFINITIONS.—In this section:

17 “(1) The term ‘information technology’ has the
18 meaning provided such term in section 11101 of title
19 40 and includes information technology incorporated
20 into a major weapon system.

21 “(2) The term ‘major weapon system’ has the
22 meaning provided such term in section 2379(f) of
23 this title.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such subchapter is amend-
3 ed by adding at the end the following new item:

“1725. Information technology acquisition positions.”.

4 (b) DEADLINE.—The Secretary of Defense shall de-
5 velop the plan required under section 1725 of title 10,
6 United States Code, as added by subsection (a), not later
7 than 180 days after the date of the enactment of this Act.

8 **SEC. 207. DEFINITION OF ACQUISITION WORKFORCE.**

9 Section 101(a) of title 10, United States Code, is
10 amended by inserting after paragraph (17) the following
11 new paragraph:

12 “(18) The term ‘acquisition workforce’ means
13 the persons serving in acquisition positions within
14 the Department of Defense, as designated pursuant
15 to section 1721(a) of this title.”.

16 **SEC. 208. DEFENSE ACQUISITION UNIVERSITY CUR-**
17 **RICULUM REVIEW.**

18 (a) CURRICULUM REVIEW.—Not later than one year
19 after the date of the enactment of this Act, the Under
20 Secretary of Defense for Acquisition, Technology, and Lo-
21 gistics shall lead a review of the curriculum offered by the
22 Defense Acquisition University to ensure it adequately
23 supports the training and education requirements of ac-
24 quisition professionals, particularly in service contracting,
25 long term sustainment strategies, information technology,

1 and rapid acquisition. The review shall also involve the
2 service acquisition executives of each military department.

3 (b) ANALYSIS OF FUNDING REQUIREMENTS FOR
4 TRAINING.—Following the review conducted under sub-
5 section (a), the Secretary of Defense shall analyze the
6 most recent future-years defense program to determine
7 the amounts of estimated expenditures and proposed ap-
8 propriations necessary to support the training require-
9 ments of the amendments made by section 205 of this Act,
10 including any new training requirements determined after
11 the review conducted under subsection (a). The Secretary
12 shall identify any additional funding needed for such
13 training requirements in the separate chapter on the de-
14 fense acquisition workforce required in the next annual
15 strategic workforce plan under 115b of title 10, United
16 States Code.

17 (c) REQUIREMENT FOR ONGOING CURRICULUM DE-
18 VELOPMENT WITH CERTAIN SCHOOLS.—

19 (1) REQUIREMENT.—Section 1746 of title 10,
20 United States Code, is amended by adding at the
21 end the following new subsection:

22 “(c) CURRICULUM DEVELOPMENT.—The President
23 of the Defense Acquisition University shall work with the
24 relevant professional schools and degree-granting institu-
25 tions of the Department of Defense and military depart-

1 ments to ensure that best practices are used in curriculum
2 development to support acquisition workforce positions.”.

3 (2) AMENDMENT TO SECTION HEADING.—(A)

4 The heading of section 1746 of such title is amended
5 to read as follows:

6 **“§ 1746. Defense Acquisition University”.**

7 (B) The item relating to section 1746 in the
8 table of sections at the beginning of subchapter IV
9 of chapter 87 of such title is amended to read as fol-
10 lows:

“1746. Defense Acquisition University.”.

11 **SEC. 209. COST ESTIMATING INTERNSHIP AND SCHOLAR-**
12 **SHIP PROGRAMS.**

13 (a) PURPOSE.—The purpose of this section is to re-
14 quire the Department of Defense to develop internship
15 and scholarship programs in cost estimating to underscore
16 the importance of cost estimating, as a core acquisition
17 function, to the acquisition process.

18 (b) REQUIREMENT.—The Secretary of Defense shall
19 develop intern and scholarship programs in cost esti-
20 mating for purposes of improving education and training
21 in cost estimating and providing an opportunity to meet
22 any certification requirements in cost estimating.

23 (c) IMPLEMENTATION.—Such programs shall be es-
24 tablished not later than 270 days after the date of the

1 enactment of this Act and shall be implemented for a 4-
2 year period following establishment of the programs.

3 **SEC. 210. PROHIBITION ON PERSONAL SERVICES CON-**
4 **TRACTS FOR SENIOR MENTORS.**

5 (a) PROHIBITION.—The Secretary of Defense shall
6 prohibit the award of a contract for personal services by
7 any component of the Department of Defense for the pur-
8 pose of obtaining the services of a senior mentor.

9 (b) INTERPRETATION.—Nothing in this section shall
10 be interpreted to prohibit the employment of a senior men-
11 tor as a highly qualified expert pursuant to section 9903
12 of title 5, United States Code, subject to the pay and term
13 limitations of that section. A senior mentor employed as
14 a highly qualified expert shall be required to submit a fi-
15 nancial disclosure report and comply with all conflict of
16 interest laws and regulations applicable to other Federal
17 employees with similar conditions of service.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “contract for personal services”
20 means a contract awarded under the authority of
21 section 129b(a) of title 10, United States Code, or
22 section 3109 of title 5, United States Code.

23 (2) The term “component of the Department of
24 Defense” means a military department, a defense

1 agency, a Department of Defense field activity, a
2 unified combatant command, or the joint staff.

3 (3) The term “senior mentor” means any per-
4 son—

5 (A)(i) who has served as a general or flag
6 officer in the Armed Forces; or

7 (ii) who has served in a position at a level
8 at or above the level of the senior executive
9 service;

10 (B) has retired within the 10 years pre-
11 ceeding the award of a contract; and

12 (C) who serves as a mentor, teacher, train-
13 er, or advisor to government personnel on mat-
14 ters pertaining to the former official duties of
15 such person.

16 **TITLE III—FINANCIAL** 17 **MANAGEMENT**

18 **SEC. 301. INCENTIVES FOR ACHIEVING AUDITABILITY.**

19 (a) PREFERENTIAL TREATMENT AUTHORIZED.—The
20 Under Secretary of Defense (Comptroller) shall ensure
21 that any component of the Department of Defense that
22 the Under Secretary determines has financial statements
23 validated as ready for audit earlier than September 30,
24 2017, shall receive preferential treatment, as the Under
25 Secretary determines appropriate—

1 (1) in financial matter matters, including—

2 (A) consistent with the need to fund ur-
3 gent warfighter requirements and operational
4 needs, priority in the release of appropriated
5 funds to such component;

6 (B) relief from the frequency of financial
7 reporting of such component in cases in which
8 such reporting is not required by law;

9 (C) relief from departmental obligation and
10 expenditure thresholds to the extent that such
11 thresholds establish requirements more restric-
12 tive than those required by law; or

13 (D) such other measures as the Under
14 Secretary considers appropriate; and

15 (2) in the availability of personnel management
16 incentives, including—

17 (A) the size of the bonus pool available to
18 the financial and business management work-
19 force of the component;

20 (B) the rates of promotion within the fi-
21 nancial and business management workforce of
22 the component;

23 (C) awards for excellence in financial and
24 business management; or

1 (D) the scope of work assigned to the fi-
2 nancial and business management workforce of
3 the component.

4 (b) INCLUSION OF INFORMATION IN REPORT.—The
5 Under Secretary shall include information on any measure
6 initiated pursuant to this section in the next semiannual
7 report pursuant to section 1003(b) of the National De-
8 fense Authorization Act for Fiscal Year 2010 (Public Law
9 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) after such
10 measure is initiated.

11 (c) EXPIRATION.—This section shall expire on Sep-
12 tember 30, 2017.

13 (d) DEFINITION.—In this section, the term “compo-
14 nent of the Department of Defense” means any organiza-
15 tion within the Department of Defense that is required
16 to submit an auditable financial statement to the Sec-
17 retary of Defense.

18 **SEC. 302. MEASURES REQUIRED AFTER FAILURE TO**
19 **ACHIEVE AUDITABILITY.**

20 (a) IN GENERAL.—The Secretary of Defense shall
21 ensure that corrective measures are immediately taken to
22 address the failure of a component of the Department of
23 Defense to achieve a financial statement validated as
24 ready for audit by September 30, 2017.

1 (b) MEASURES REQUIRED.—Not later than 180 days
2 after the date of the enactment of this Act, the Secretary
3 shall develop and issue guidance detailing measures to be
4 taken in accordance with subsection (a). Such measures
5 shall include—

6 (1) the development of a remediation plan to
7 ensure the component can achieve a financial state-
8 ment validated as ready for audit within one year;

9 (2) additional reporting requirements that may
10 be necessary to mitigate financial risk to the compo-
11 nent;

12 (3) delaying the release of appropriated funds
13 to such component, consistent with the need to fund
14 urgent warfighter requirements and operational
15 needs, until such time as the Secretary is assured
16 that the component will achieve a financial state-
17 ment validated as ready for audit within one year;

18 (4) specific consequences for key personnel in
19 order to ensure accountability within the leadership
20 of the component; and

21 (5) such other measures as the Secretary con-
22 siders appropriate.

23 (c) DEFINITION.—The term “component” of the De-
24 partment of Defense means any organization within the

1 Department of Defense that is required to submit an
2 auditable financial statement to the Secretary of Defense.

3 **SEC. 303. REVIEW OF OBLIGATION AND EXPENDITURE**
4 **THRESHOLDS.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) Department of Defense program managers
8 should be encouraged to place a higher priority on
9 seeking the best value for the Government than on
10 meeting arbitrary benchmarks for spending; and

11 (2) actions to carry out paragraph (1) should
12 be supported by the Department's leadership at
13 every level.

14 (b) POLICY REVIEW.—Not later than 180 days after
15 the date of the enactment of this Act, the Chief Manage-
16 ment Officer of the Department of Defense, in coordina-
17 tion with the Chief Management Officer of each military
18 department, shall review and update as necessary all rel-
19 evant policy and instruction regarding obligation and ex-
20 penditure benchmarks to ensure that such guidance does
21 not inadvertently prevent achieving the best value for the
22 Government in the obligation and expenditure of funds.

23 (c) PROCESS REVIEW.—Not later than one year after
24 the date of the enactment of this Act, the Chief Manage-
25 ment Officer, in coordination with the Chief Management

1 Officer of each military department, the Director of the
2 Office of Performance Assessment and Root Cause Anal-
3 ysis, the Under Secretary of Defense (Comptroller), and
4 the Comptrollers of the military departments, shall con-
5 duct a comprehensive review of the use and value of obli-
6 gation and expenditure benchmarks and propose new
7 benchmarks or processes for tracking financial perform-
8 ance, including, as appropriate—

9 (1) increased reliance on individual obligation
10 and expenditure plans for measuring program finan-
11 cial performance;

12 (2) mechanisms to improve funding stability
13 and to increase the predictability of the release of
14 funding for obligation and expenditure; and

15 (3) streamlined mechanisms for a program
16 manager to submit an appeal for funding changes
17 and to have such appeal evaluated promptly.

18 (d) TRAINING.—The Under Secretary of Defense for
19 Acquisition, Technology, and Logistics and the Under Sec-
20 retary of Defense (Comptroller) shall ensure that as part
21 of the training required for program managers and busi-
22 ness managers, an emphasis is placed on obligating and
23 expending appropriated funds in a manner that achieves
24 the best value for the Government and that the purpose

1 and limitations of obligation and expenditure benchmarks
2 are made clear.

3 **SEC. 304. DISCLOSURE AND TRACEABILITY OF THE COST**
4 **OF DEPARTMENT OF DEFENSE HEALTH CARE**
5 **CONTRACTS.**

6 (a) DISCLOSURE REQUIREMENT.—The Secretary of
7 Defense shall require—

8 (1) an offeror that submits a bid or proposal in
9 response to an invitation for bids or a request for
10 proposals issued by a component of the Department
11 of Defense for a health care contract to submit with
12 the bid or proposal a disclosure of the additional
13 cost, if any, contained in such bid or proposal associ-
14 ated with compliance with the Patient Protection
15 and Affordable Care Act (Public Law 111–148) and
16 the Health Care and Education Reconciliation Act of
17 2010 (Public Law 111–152); and

18 (2) a contractor for a health care contract
19 awarded following the date of the enactment of this
20 Act to disclose on an annual basis the additional
21 cost, if any, incurred for such contract associated
22 with compliance with the Patient Protection and Af-
23 fordable Care Act (Public Law 111–148) and the
24 Health Care and Education Reconciliation Act of
25 2010 (Public Law 111–152).

1 (b) REPORT.—

2 (1) REQUIREMENT.—Not later than April 1,
3 2011, and each April 1st thereafter until April 1,
4 2016, the Secretary of Defense shall submit to the
5 Committee on Armed Services of the Senate and the
6 Committee on Armed Services of the House of Rep-
7 resentatives a detailed report on the additional cost
8 to the Department of Defense associated with com-
9 pliance with the Patient Protection and Affordable
10 Care Act (Public Law 111–148) and the Health
11 Care and Education Reconciliation Act of 2010
12 (Public Law 111–152).

13 (2) MATTERS COVERED.—The report required
14 by paragraph (1) shall include—

15 (A) the projected costs of compliance for
16 all health care contracts awarded during the
17 preceding year, as disclosed in a bid or proposal
18 in accordance with subsection (a)(1);

19 (B) for all other health care contracts, the
20 incurred cost of compliance for the preceding
21 year, as disclosed in accordance with subsection
22 (a)(2); and

23 (C) any additional costs to the Department
24 of Defense necessary to comply with such Acts.

1 (c) HEALTH CARE CONTRACT DEFINED.—In this
2 section, the term “health care contract” means a contract
3 in an amount greater than the simplified acquisition
4 threshold for the acquisition of any of the following:

5 (1) Medical supplies.

6 (2) Health care services and administration, in-
7 cluding the services of medical personnel.

8 (3) Durable medical equipment.

9 (4) Pharmaceuticals.

10 (5) Health care-related information technology.

11 **TITLE IV—INDUSTRIAL BASE**

12 **SEC. 401. EXPANSION OF THE INDUSTRIAL BASE.**

13 (a) PROGRAM TO EXPAND INDUSTRIAL BASE RE-
14 QUIRED.—The Secretary of Defense shall establish a pro-
15 gram to expand the industrial base of the Department of
16 Defense to increase the Department’s access to innovation
17 and the benefits of competition. The program shall be lim-
18 ited to firms within the national technology and industrial
19 base (as defined in section 2500(1) of title 10, United
20 States Code).

21 (b) IDENTIFYING AND COMMUNICATING WITH NON-
22 TRADITIONAL SUPPLIERS.—The program established
23 under subsection (a) shall use tools and resources available
24 within the Federal Government and available from the pri-
25 vate sector, to provide a capability for identifying and

1 communicating with nontraditional suppliers, including
2 commercial firms and firms of all business sizes, that are
3 engaged in markets of importance to the Department of
4 Defense.

5 (c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE IN-
6 STALLATIONS.—The program established under sub-
7 section (a) shall include outreach, using procurement tech-
8 nical assistance centers, to notify firms of all business
9 sizes in the vicinity of Department of Defense installations
10 of opportunities to obtain contracts and subcontracts to
11 perform work at such installations.

12 (d) INDUSTRIAL BASE REVIEW.—The program re-
13 quired by subsection (a) shall include a continuous effort
14 to review the industrial base supporting the Department
15 of Defense, including the identification of markets of im-
16 portance to the Department of Defense.

17 (e) DEFINITION.—In this section:

18 (1) NONTRADITIONAL SUPPLIERS.—The term
19 “nontraditional suppliers” means firms that have re-
20 ceived contracts from the Department of Defense
21 with a total value of not more than \$100,000 in the
22 previous five years.

23 (2) MARKETS OF IMPORTANCE TO THE DE-
24 PARTMENT OF DEFENSE.—The term “markets of
25 importance to the Department of Defense” means

1 industrial sectors in which the Department of De-
2 fense spends more than \$500,000,000 annually.

3 (3) PROCUREMENT TECHNICAL ASSISTANCE
4 CENTER.—The term “procurement technical assist-
5 ance center” means a center operating under a coop-
6 erative agreement with the Defense Logistics Agency
7 to provide procurement technical assistance pursu-
8 ant to the authority provided in chapter 142 of title
9 10, United States Code.

10 **SEC. 402. COMMERCIAL PRICING ANALYSIS.**

11 Section 803(c) of the Strom Thurmond National De-
12 fense Authorization Act for Fiscal Year 1999 (Public Law
13 105–261; 10 U.S.C. 2306a note) is amended to read as
14 follows:

15 “(c) COMMERCIAL PRICE TREND ANALYSIS.—

16 “(1) The Secretary of Defense shall develop and
17 implement procedures that, to the maximum extent
18 practicable, provide for the collection and analysis of
19 information on price trends for categories of exempt
20 commercial items described in paragraph (2).

21 “(2) A category of exempt commercial items re-
22 ferred to in paragraph (1) consists of exempt com-
23 mercial items that are in a single Federal Supply
24 Group or Federal Supply Class, are provided by a
25 single contractor, or are otherwise logically grouped

1 for the purpose of analyzing information on price
2 trends.

3 “(3) The analysis of information on price
4 trends under paragraph (1) shall include, in any cat-
5 egory in which significant escalation in prices is
6 identified, a more detailed examination of the causes
7 of escalation for such prices within the category and
8 whether such price escalation is consistent across the
9 Department of Defense.

10 “(4) The head of a Department of Defense
11 agency or the Secretary of a military department
12 shall take appropriate action to address any unjusti-
13 fied escalation in prices being paid for items pro-
14 cured by that agency or military department as iden-
15 tified in an analysis conducted pursuant to para-
16 graph (1).

17 “(5) Not later than April 1 of each of year, the
18 Secretary of Defense shall submit to the Committee
19 on Armed Services of the Senate and the Committee
20 on Armed Services of the House of Representatives
21 a report on the analyses of price trends that were
22 conducted for categories of exempt commercial items
23 during the preceding fiscal year under the proce-
24 dures prescribed pursuant to paragraph (1). The re-
25 port shall include a description of the actions taken

1 to identify and address any unjustified price esca-
2 lation for the categories of items.

3 “(6) This subsection shall not be in effect on
4 and after April 1, 2013.”.

5 **SEC. 403. CONTRACTOR AND GRANTEE DISCLOSURE OF DE-**
6 **LINQUENT FEDERAL TAX DEBTS.**

7 (a) REQUIREMENT.—

8 (1) IN GENERAL.—Chapter 37 of title 31,
9 United States Code, is amended by adding at the
10 end of subchapter II the following new section:

11 **“§ 3720F. Contractor and grantee disclosure of delin-**
12 **quent Federal tax debts**

13 “(a) REQUIREMENT RELATING TO CONTRACTS.—
14 The head of any executive agency that issues an invitation
15 for bids or a request for proposals for a contract in an
16 amount greater than the simplified acquisition threshold
17 shall require each person that submits a bid or proposal
18 to submit with the bid or proposal a form—

19 “(1) certifying that the person does not have a
20 seriously delinquent tax debt; and

21 “(2) authorizing the Secretary of the Treasury
22 to disclose to the head of the agency information
23 strictly limited to verifying whether the person has
24 a seriously delinquent tax debt.

1 “(b) REQUIREMENT RELATING TO GRANTS.—The
2 head of any executive agency that offers a grant in excess
3 of an amount equal to the simplified acquisition threshold
4 may not award such grant to any person unless such per-
5 son submits with the application for such grant a form—

6 “(1) certifying that the person does not have a
7 seriously delinquent tax debt; and

8 “(2) authorizing the Secretary of the Treasury
9 to disclose to the head of the executive agency infor-
10 mation strictly limited to verifying whether the per-
11 son has a seriously delinquent tax debt.

12 “(c) FORM FOR RELEASE OF INFORMATION.—The
13 Secretary of the Treasury shall make available to all exec-
14 utive agencies a standard form for the certification and
15 authorization described in subsections (a) and (b).

16 “(d) DEFINITIONS.—In this section:

17 “(1) CONTRACT.—The term ‘contract’ means a
18 binding agreement entered into by an executive
19 agency for the purpose of obtaining property or serv-
20 ices, but does not include—

21 “(A) a contract for property or services
22 that is intended to be entered into through the
23 use of procedures other than competitive proce-
24 dures by reason of section 2304(c)(2) of this
25 title; or

1 “(B) a contract designated by the head of
2 the agency as necessary to the national security
3 of the United States.

4 “(2) EXECUTIVE AGENCY.—The term ‘executive
5 agency’ has the meaning given that term in section
6 4(1) of the Office of Federal Procurement Policy
7 Act (41 U.S.C. 403(1)).

8 “(3) PERSON.—The term ‘person’ includes—

9 “(A) an individual;

10 “(B) a partnership; and

11 “(C) a corporation.

12 “(4) SERIOUSLY DELINQUENT TAX DEBT.—The
13 term ‘seriously delinquent tax debt’—

14 “(A) means any Federal tax liability—

15 “(i) that exceeds \$3,000;

16 “(ii) that has been assessed by the
17 Secretary of the Treasury and not paid;

18 and

19 “(iii) for which a notice of lien has
20 been filed in public records; and

21 “(B) does not include any Federal tax li-
22 ability—

23 “(i) being paid in a timely manner
24 under an offer-in-compromise or install-

25 ment agreement;

1 “(ii) with respect to which collection
2 due process proceedings are not completed;
3 or

4 “(iii) with respect to which collection
5 due process proceedings are completed and
6 no further payment is required.

7 “(5) SIMPLIFIED ACQUISITION THRESHOLD.—
8 The term ‘simplified acquisition threshold’ has the
9 meaning given that term in section 4(11) of the Of-
10 fice of Federal Procurement Policy Act (41 U.S.C.
11 403(11)).

12 “(e) REGULATIONS.—The Administrator for Federal
13 Procurement Policy, in consultation with the Secretary of
14 the Treasury, shall promulgate regulations that—

15 “(1) treat corporations and partnerships as
16 having a seriously delinquent tax debt if such cor-
17 poration or partnership is controlled (directly or in-
18 directly) by persons who have a seriously delinquent
19 tax debt;

20 “(2) provide for the proper application of sub-
21 sections (a)(2) and (b)(2) in the case of corporations
22 and partnerships; and

23 “(3) provide for the proper application of sub-
24 section (a) to first-tier subcontractors that are iden-

1 tified in a bid or proposal and are a significant part
2 of a bid or proposal team.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 37 of such title is
5 amended by adding after the item relating to section
6 3720E the following new item:

“3720F. Contractor and grantee disclosure of delinquent Federal tax debts.”.

7 (b) REVISION OF FEDERAL ACQUISITION REGULA-
8 TION.—Not later than 90 days after the final promulga-
9 tion of regulations under section 3720F(e) of title 31,
10 United States Code, as added by subsection (a), the Fed-
11 eral Acquisition Regulation shall be revised to incorporate
12 the requirements of section 3720F of such title.

13 **SEC. 404. INDEPENDENCE OF CONTRACT AUDITS AND BUSI-**
14 **NESS SYSTEM REVIEWS.**

15 (a) DEFENSE CONTRACT AUDIT AGENCY GENERAL
16 COUNSEL.—

17 (1) IN GENERAL.—Subchapter II of chapter 8
18 of title 10, United States Code, is amended by add-
19 ing at the end the following new section:

20 **“§ 204. Defense Contract Audit Agency general coun-**
21 **sel**

22 “(a) GENERAL COUNSEL.—The Director of the De-
23 fense Contract Audit Agency shall appoint a General
24 Counsel of the Defense Contract Audit Agency.

1 “(b) DUTIES.—(1) The General Counsel shall per-
2 form such functions as the Director may prescribe and
3 shall serve at the discretion of the Director.

4 “(2) Notwithstanding section 140(b) of this title, the
5 General Counsel shall be the chief legal officer of the De-
6 fense Contract Audit Agency.

7 “(3) The Defense Contract Audit Agency shall be the
8 exclusive legal client of the General Counsel.

9 “(c) OFFICE OF THE GENERAL COUNSEL.—There is
10 established an Office of the General Counsel within the
11 Defense Contract Audit Agency. The Director may ap-
12 point to the Office to serve as staff of the General Counsel
13 such legal counsel as the Director determines is appro-
14 priate.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of subchapter II of chapter 8
17 of such title is amended by adding at the end the
18 following new item:

“204. Defense Contract Audit Agency general counsel.”.

19 (b) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—

20 (1) IN GENERAL.—Chapter 131 of title 10,
21 United States Code, is amended by inserting after
22 section 2222 the following new section:

23 **“§ 2222a. Criteria for business system reviews**

24 “(a) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—
25 The Secretary of Defense shall ensure that any contractor

1 business system review carried out by a military depart-
2 ment, a Defense Agency, or a Department of Defense
3 Field Activity—

4 “(1) complies with generally accepted govern-
5 ment auditing standards issued by the Comptroller
6 General;

7 “(2) is performed by an audit team that does
8 not engage in any other official activity (audit-re-
9 lated or otherwise) involving the contractor con-
10 cerned;

11 “(3) is performed in a time and manner con-
12 sistent with a documented assessment of risk to the
13 Federal Government; and

14 “(4) involves testing on a representative sample
15 of transactions sufficient to fully examine the integ-
16 rity of the contractor business system concerned.

17 “(b) CONTRACTOR BUSINESS SYSTEM REVIEW DE-
18 FINED.—In this section, the term ‘contractor business sys-
19 tem review’ means an audit of policies, procedures, and
20 internal controls relating to accounting and management
21 systems of a contractor.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 131 of such title
24 is amended by inserting after the item relating to
25 section 2222 the following new item:

“2222a. Criteria for business system reviews.”.

1 (c) CONTRACT AUDIT GUIDANCE.—Not later than
2 180 days after the date of the enactment of this Act, the
3 Secretary of Defense shall issue guidance relating to con-
4 tract audits carried out by a military department, a de-
5 fense agency, or a Department of Defense field activity
6 that are not contractor business system reviews, as de-
7 scribed under section 2222a of title 10, United States
8 Code, that—

9 (1) requires that such audits comply with gen-
10 erally accepted government auditing standards
11 issued by the Comptroller General and are per-
12 formed in a time and manner consistent with a doc-
13 umented assessment of risk to the Federal Govern-
14 ment;

15 (2) establishes guidelines for discussions of the
16 scope of the audit with the contractor concerned
17 that ensure that such scope is not improperly influ-
18 enced by the contractor;

19 (3) provides for withholding of contract pay-
20 ments when necessary to compel the submission of
21 documentation from the contractor; and

22 (4) requires that the results of contract audits
23 performed on behalf of an agency of the Department
24 of Defense be shared with other Federal agencies
25 upon request, without reimbursement.

1 (d) EFFECTIVE DATES.—

2 (1) SECTION 204.—Section 204 of title 10,
3 United States Code, as added by subsection (a),
4 shall take effect on the date of the enactment of this
5 Act.

6 (2) SECTION 2222A.—Section 2222a of title 10,
7 United States Code, as added by subsection (b),
8 shall take effect 180 days after the date of the en-
9 actment of this Act.

10 **SEC. 405. BLUE RIBBON PANEL ON ELIMINATING BARRIERS**

11 **TO CONTRACTING WITH THE DEPARTMENT**

12 **OF DEFENSE.**

13 (a) REQUIREMENT TO ESTABLISH.—The Secretary
14 of Defense shall establish a panel consisting of owners of
15 large and small businesses that are not traditional defense
16 suppliers, for purposes of creating a set of recommenda-
17 tions on eliminating barriers to contracting with the De-
18 partment of Defense and its defense supply centers.

19 (b) MEMBERS.—The panel shall consist of nine mem-
20 bers, of whom—

21 (1) three shall be appointed by the Secretary of
22 the Army;

23 (2) three shall be appointed by the Secretary of
24 the Navy; and

1 (3) three shall be appointed by the Secretary of
2 the Air Force.

3 (c) APPOINTMENT DEADLINE.—Members shall be
4 appointed to the panel not later than 180 days after the
5 date of the enactment of this Act.

6 (d) DUTIES.—The panel shall be responsible for de-
7 veloping a set of recommendations on eliminating barriers
8 to contracting with the Department of Defense and its de-
9 fense supply centers.

10 (e) REPORT.—Not later than one year after the date
11 of the enactment of this Act, the panel shall submit to
12 Congress a report containing its recommendations.

13 **SEC. 406. INCLUSION OF THE PROVIDERS OF SERVICES**
14 **AND INFORMATION TECHNOLOGY IN THE NA-**
15 **TIONAL TECHNOLOGY AND INDUSTRIAL**
16 **BASE.**

17 (a) REVISED DEFINITIONS.—Section 2500 of title
18 10, United States Code, is amended—

19 (1) in paragraph (1), by striking “or mainte-
20 nance” and inserting “integration, services, or infor-
21 mation technology”;

22 (2) in paragraph (4), by striking “or produc-
23 tion” and inserting “production, integration, serv-
24 ices, or information technology”;

1 (3) in paragraph (9)(A), by striking “and man-
2 ufacturing” and inserting “manufacturing, integra-
3 tion, services, and information technology”; and

4 (4) by adding at the end the following new
5 paragraph:

6 “(15) The term ‘integration’ means the process
7 of providing systems engineering and technical direc-
8 tion for a system for the purpose of achieving capa-
9 bilities that satisfy program requirements.”.

10 (b) REVISED OBJECTIVES.—Section 2501(a) of such
11 title is amended—

12 (1) in paragraph (1), by striking “Supplying
13 and equipping” and inserting “Supplying, equipping,
14 and supporting”;

15 (2) in paragraph (2), by striking “and logistics
16 for” and inserting “logistics, and other activities in
17 support of”;

18 (3) in paragraph (4), by striking “and produce”
19 and inserting “, produce, and support”; and

20 (4) by redesignating paragraph (6) as para-
21 graph (8) and inserting after paragraph (5) the fol-
22 lowing new paragraphs:

23 “(6) Providing for the generation of services ca-
24 pabilities that are not core functions of the armed

1 forces and that are critical to military operations
2 within the national technology and industrial base.

3 “(7) Providing for the development, production,
4 and integration of information technology within the
5 national technology and industrial base.”.

6 (c) REVISED ASSESSMENTS.—Section 2505(b)(4) of
7 such title is amended by inserting after “of this title)”
8 the following “or major automated information systems
9 (as defined in section 2445a of this title)”.

10 (d) REVISED POLICY GUIDANCE.—Section 2506(a)
11 of such title is amended by striking “budget allocation,
12 weapons” and inserting “strategy, management, budget
13 allocation,”.

14 **SEC. 407. CONSTRUCTION OF ACT ON COMPETITION RE-**
15 **QUIREMENTS FOR THE ACQUISITION OF**
16 **SERVICES.**

17 Nothing in this Act or the amendments made by this
18 Act shall be construed to affect the competition require-
19 ments of section 2304 of title 10, United States Code, with
20 respect to the acquisition of services.

21 **SEC. 408. ACQUISITION SAVINGS PROGRAM.**

22 (a) PROGRAM REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Defense,
24 acting through the Under Secretary of Defense for
25 Acquisition, Technology, and Logistics, shall carry

1 out a program to provide opportunities to provide
2 cost-savings on nondevelopmental items.

3 (2) SAVINGS.—The program, to be known as
4 the Acquisition Savings Program, shall provide any
5 person or activity within or outside the Department
6 of Defense with the opportunity to offer a proposal
7 to provide savings in excess of 15 percent, to be
8 known as an acquisition savings proposal, for cov-
9 ered contracts.

10 (3) SUNSET.—The program shall cease to be
11 required on September 30, 2013.

12 (b) QUALIFYING ACQUISITION SAVINGS PRO-
13 POSALS.—A proposal shall qualify as an acquisition sav-
14 ings proposal for purposes of this section if it offers to
15 supply a nondevelopmental item that is identical to, or
16 equivalent to (under a performance specification or rel-
17 evant commercial standard), an item being procured under
18 a covered contract.

19 (c) REVIEW BY CONTRACTING OFFICER.—Each ac-
20 quisition savings proposal shall be reviewed by the con-
21 tracting officer for the covered contract concerned to de-
22 termine if such proposal qualifies under this section and
23 to calculate the savings provided by such proposal.

24 (d) ACTIONS UPON FAVORABLE REVIEW.—If the
25 contracting officer for a covered contract determines after

1 review of an acquisition savings proposal that the proposal
2 would provide an identical or equivalent nondevelopmental
3 item at a savings in excess of 15 percent, and that a con-
4 tract award to the offeror of the proposal would not result
5 in the violation of a minimum purchase agreement or oth-
6 erwise cause a breach of contract for the covered contract,
7 the contracting officer may make an award under the cov-
8 ered contract to the offeror of the acquisition savings pro-
9 posal or otherwise award a contract for the nondevelop-
10 mental item concerned to such offeror.

11 (e) ACTIONS UPON UNFAVORABLE REVIEW.—If a
12 contracting officer determines after review of an acquisi-
13 tion savings proposal that the proposal would not satisfy
14 the requirements of this section, the contracting officer
15 shall debrief the person or activity offering such proposal
16 within 30 days after completion of the review.

17 (f) REPORT.—Not later than March 1, 2013, the Sec-
18 retary of Defense shall submit to the Committees on
19 Armed Services of the Senate and House of Representa-
20 tives a report regarding the program, including the num-
21 ber of acquisition savings proposals submitted, the number
22 favorably reviewed, the cumulative savings, and any fur-
23 ther recommendations for the program.

24 (g) DEFINITIONS.—In this section:

1 (1) NONDEVELOPMENTAL ITEM.—The term
2 “nondevelopmental item” has the meaning provided
3 for such term in section 4 of the Office of Federal
4 Procurement Policy Act (41 U.S.C. 403).

5 (2) COVERED CONTRACT.—The term “covered
6 contract”—

7 (A) means an indefinite delivery indefinite
8 quantity contract for property as defined in sec-
9 tion 2304d(2) of title 10, United States Code;
10 and

11 (B) does not include any contract awarded
12 under an exception to competitive acquisition
13 authorized by the Small Business Act (15
14 U.S.C. 631 et seq.)

15 (3) PERFORMANCE SPECIFICATION.—The term
16 “performance specification” means a specification of
17 required item functional characteristics.

18 (4) COMMERCIAL STANDARD.—The term “com-
19 mercial standard” means a standard used in indus-
20 try promulgated by an accredited standards organi-
21 zations that is not a Federal entity.

1 **SEC. 409. SENSE OF CONGRESS REGARDING COMPLIANCE**
2 **WITH THE BERRY AMENDMENT, THE BUY**
3 **AMERICAN ACT, AND LABOR STANDARDS OF**
4 **THE UNITED STATES.**

5 In order to create jobs, level the playing field for do-
6 mestic manufacturers, and strengthen economic recovery,
7 it is the sense of Congress that the Department of Defense
8 should—

9 (1) ensure full contractor and subcontractor
10 compliance with the Berry Amendment (10 U.S.C.
11 2533a) and the Buy American Act (41 U.S.C. 10a
12 et seq.); and

13 (2) not procure products made by manufactur-
14 ers in the United States that violate labor standards
15 as defined under the laws of the United States.

16 **SEC. 410. INDUSTRIAL BASE COUNCIL AND FUND.**

17 (a) **INDUSTRIAL BASE COUNCIL.**—

18 (1) **IN GENERAL.**—Chapter 7 of title 10, United
19 States Code, is amended by adding at the end the
20 following new section:

21 **“§ 188. Industrial Base Council**

22 **“(a) COUNCIL ESTABLISHED.**—There is in the De-
23 partment of Defense an Industrial Base Council.

24 **“(b) MISSION.**—The mission of the Industrial Base
25 Council is to assist the Secretary in all matters pertaining
26 to the industrial base of the Department of Defense, in-

1 cluding matters pertaining to the national defense tech-
2 nology and industrial base included in chapter 148 of this
3 title.

4 “(c) MEMBERSHIP.—The following officials of the
5 Department of Defense shall be members of the Council:

6 “(1) The Chairman of the Council, who shall be
7 the Under Secretary of Defense for Acquisition,
8 Technology, and Logistics, the functions of which
9 may be delegated by the Under Secretary only to the
10 Principal Deputy Under Secretary of Defense for
11 Acquisition, Technology, and Logistics.

12 “(2) The Executive Director of the Council,
13 who shall be an official from within the Office of the
14 Under Secretary responsible for industrial base mat-
15 ters and who shall report directly to the Under Sec-
16 retary or the Principal Deputy Under Secretary.

17 “(3) Officials from within the Office of the Sec-
18 retary of Defense, as designated by the Secretary,
19 with direct responsibility for matters pertaining to
20 following areas:

21 “(A) Manufacturing.

22 “(B) Research and development.

23 “(C) Systems engineering and system inte-
24 gration.

25 “(D) Services.

1 “(E) Information Technology.

2 “(F) Sustainment and logistics.

3 “(4) The Director of the Defense Logistics
4 Agency.

5 “(5) Officials from the military departments, as
6 designated by the Secretary of each military depart-
7 ment, with responsibility for industrial base matters
8 relevant to the military department concerned.

9 “(d) DUTIES.—The Council shall assist the Secretary
10 in the following:

11 “(1) Providing input on industrial base matters
12 to strategy reviews, including quadrennial defense
13 reviews performed pursuant to section 118 of this
14 title.

15 “(2) Managing the industrial base.

16 “(3) Providing recommendations to the Sec-
17 retary on budget matters pertaining to the industrial
18 base.

19 “(4) Providing recommendations to the Sec-
20 retary on supply chain management and supply
21 chain vulnerability.

22 “(5) Providing input on industrial base matters
23 to defense acquisition policy guidance.

1 “(6) Issuing and revising the Department of
2 Defense technology and industrial base guidance re-
3 quired by section 2506 of this title.

4 “(7) Such other duties as are assigned by the
5 Secretary.

6 “(e) REPORTING OF ACTIVITIES.—The Secretary
7 shall include a section describing the activities of the
8 Council in the annual report to Congress required by sec-
9 tion 2505 of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such chapter is amended
12 by adding at the end the following new item:

“188. Industrial Base Council.”.

13 (b) INDUSTRIAL BASE FUND.—

14 (1) IN GENERAL.—Chapter 148 of title 10,
15 United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 2508. Industrial Base Fund**

18 “(a) ESTABLISHMENT.—The Secretary of Defense
19 shall establish an Industrial Base Fund (in this section
20 referred to as the ‘Fund’).

21 “(b) CONTROL OF FUND.—The Fund shall be under
22 the control of the Industrial Base Council established pur-
23 suant to section 188 of this title.

1 “(c) AMOUNTS IN FUND.—The Fund shall consist of
2 amounts appropriated or otherwise made available to the
3 Fund.

4 “(d) USE OF FUND.—Subject to subsection (e), the
5 Fund shall be used—

6 “(1) to support the monitoring and assessment
7 of the industrial base required by this chapter;

8 “(2) to address critical issues in the industrial
9 base relating to urgent operation needs;

10 “(3) to support efforts to expand the industrial
11 base; and

12 “(4) to address supply chain vulnerabilities.

13 “(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—
14 The authority of the Secretary of Defense to use the Fund
15 under this section in any fiscal year is subject to the avail-
16 ability of appropriations for that purpose.

17 “(f) EXPENDITURES.—The Secretary shall establish
18 procedures for expending monies in the Fund in support
19 of the uses identified in subsection (d), including the fol-
20 lowing:

21 “(1) Direct obligations from the Fund.

22 “(2) Transfers of monies from the Fund to rel-
23 evant appropriations of the Department of De-
24 fense.”.

1 by striking “proposals; and” at the end of clause (ii) and
2 all that follows through the end of the subparagraph and
3 inserting the following: “proposals and that must be as-
4 signed importance at least equal to all evaluation factors
5 other than cost or price when combined.”.

6 (b) WAIVER.—Section 2305(a)(3) of such title is fur-
7 ther amended by striking subparagraph (B) and inserting
8 the following:

9 “(B) The requirement of subparagraph (A)(ii) relat-
10 ing to assigning at least equal importance to evaluation
11 factors of cost or price may be waived by the head of the
12 agency. The authority to issue a waiver under this sub-
13 paragraph may not be delegated.”.

14 (c) REPORT.—Section 2305(a)(3) of such title is fur-
15 ther amended by adding at the end the following new sub-
16 paragraph:

17 “(C) Not later than 180 days after the end of each
18 fiscal year, the Secretary of Defense shall submit to Con-
19 gress, and post on a publicly available website of the De-
20 partment of Defense, a report containing a list of each

1 waiver issued by the head of an agency under subpara-
2 graph (B) during the preceding fiscal year.”.

Passed the House of Representatives May 28, 2010.

Attest:

Clerk.

111TH CONGRESS
2^D SESSION

H. R. 5136

AN ACT

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