

Union Calendar No.

111TH CONGRESS
2^D SESSION

H. R. 5136

[Report No. 111-]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2010

Mr. SKELTON (for himself and Mr. MCKEON) (both by request): introduced the following bill; which was referred to the Committee on Armed Services

MAY --, 2010

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 26, 2010]

A BILL

To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, 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 Author-*
11 *izations.*

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

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

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

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Subtitle B—Army Programs

- Sec. 111. Procurement of early infantry brigade combat team increment one equipment.*
- Sec. 112. Report on Army battlefield network plans and programs.*

Subtitle C—Navy Programs

- Sec. 121. Incremental funding for procurement of large naval vessels.*
- Sec. 122. Multiyear procurement of F/A-18E, F/A-18F, and EA-18G aircraft.*
- Sec. 123. Report on naval force structure and missile defense.*

Subtitle D—Air Force Programs

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

Subtitle E—Joint and Multiservice Matters

- Sec. 141. Limitation on procurement of F-35 Lightning II aircraft.*
- Sec. 142. Limitations on biometric systems funds.*
- Sec. 143. Counter-improvised explosive device initiatives database.*
- Sec. 144. Study on lightweight body armor solutions.*

*TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**Subtitle A—Authorization of Appropriations*

- Sec. 201. Authorization of appropriations.*

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- Sec. 211. Report requirements for replacement program of the Ohio-class ballistic missile submarine.*
- Sec. 212. Limitation on obligation of funds for F-35 Lightning II aircraft program.*
- Sec. 213. Inclusion in annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II aircraft.*
- Sec. 214. Separate program elements required for research and development of Joint Light Tactical Vehicle.*

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- Sec. 221. Limitation on availability of funds for missile defenses in Europe.*
- Sec. 222. Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities.*
- Sec. 223. Phased, adaptive approach to missile defense in Europe.*
- Sec. 224. Homeland defense hedging policy.*
- Sec. 225. Independent assessment of the plan for defense of the homeland against the threat of ballistic missiles.*
- Sec. 226. Study on ballistic missile defense capabilities of the United States.*
- Sec. 227. Reports on standard missile system.*

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- Sec. 231. Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program.*
- Sec. 232. Cost benefit analysis of future tank-fired munitions.*

Sec. 233. Annual comptroller general report on the VII–(XX) presidential helicopter acquisition program.

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

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

Sec. 243. Pilot program on collaborative energy security.

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Sec. 312. Payment to Environmental Protection Agency of stipulated penalties in connection with Naval Air Station, Brunswick, Maine.

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- Sec. 345. Limitation on obligation of funds pending submission of classified justification material.*
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- Sec. 512. Military correction board remedies for National Guard members.*
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- Sec. 521. Technical revisions to definition of joint matters for purposes of joint officer management.*
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- Sec. 2831. Consideration of environmentally sustainable practices in Department energy performance plan.*
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- 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.*
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21

*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 National Security Agency 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.*
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- 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.*

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.*

1 ***DIVISION A—DEPARTMENT OF***
2 ***DEFENSE AUTHORIZATIONS***
3 ***TITLE I—PROCUREMENT***
4 ***Subtitle A—Authorization of***
5 ***Appropriations***

6 ***SEC. 101. ARMY.***

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2011 for procurement for the Army as follows:*

9 (1) *For aircraft, \$5,986,361,000.*

10 (2) *For missiles, \$1,631,463,000.*

11 (3) *For weapons and tracked combat vehicles,*
12 *\$1,616,245,000.*

13 (4) *For ammunition, \$1,946,948,000.*

14 (5) *For other procurement, \$9,398,728,000.*

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

16 (a) *NAVY.—Funds are hereby authorized to be appro-*
17 *priated for fiscal year 2011 for procurement for the Navy*
18 *as follows:*

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

20 (2) *For weapons, including missiles and tor-*
21 *pedoes, \$3,350,894,000.*

22 (3) *For shipbuilding and conversion,*
23 *\$15,724,520,000.*

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

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

4 (c) *NAVY AND MARINE CORPS AMMUNITION.*—Funds
5 are hereby authorized to be appropriated for fiscal year
6 2011 for procurement of ammunition for the Navy and the
7 Marine Corps in the amount of \$817,991,000.

8 **SEC. 103. AIR FORCE.**

9 Funds are hereby authorized to be appropriated for fis-
10 cal year 2011 for procurement for the Air Force as follows:

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

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

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

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

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

16 Funds are hereby authorized to be appropriated for fis-
17 cal year 2011 for Defense-wide procurement in the amount
18 of \$4,399,768,000.

19 **Subtitle B—Army Programs**

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

21 **COMBAT TEAM INCREMENT ONE EQUIPMENT.**

22 (a) *LIMITATION ON PRODUCTION QUANTITIES.*—Ex-
23 cept as provided in subsection (c), the Secretary of Defense
24 may not procure more than two brigade sets of early-infan-

1 *try brigade combat team increment one equipment (in this*
2 *section referred to as a “brigade set”).*

3 (b) *APPLICABILITY TO LONG-LEAD PRODUCTION*
4 *ITEMS.—The limitation in subsection (a) includes procure-*
5 *ment of a long-lead item for an element of a brigade set*
6 *beyond the two brigade sets authorized under such sub-*
7 *section.*

8 (c) *WAIVER.—The Under Secretary of Defense for Ac-*
9 *quisition, Technology, and Logistics may waive the limita-*
10 *tion in subsection (a) if—*

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

13 (A) *the initial operational test and evalua-*
14 *tion of the brigade set has been completed;*

15 (B) *the Director of Operational Test and*
16 *Evaluation has submitted to Congress a report*
17 *describing the results of the initial operational*
18 *test and evaluation (as described in section*
19 *2399(b) of title 10, United States Code) and the*
20 *comparative test of the brigade set;*

21 (C) *all of the subsystems tested in the ini-*
22 *tial operational test and evaluation were tested*
23 *in the intended production configuration; and*

24 (D) *all radios planned for fielding with the*
25 *brigade set have received the appropriate Na-*

1 *tional Security Agency approvals, as determined*
2 *by the Under Secretary; and*

3 (2) *a period of 30 days has elapsed after the date*
4 *on which the certification under paragraph (1) is re-*
5 *ceived.*

6 (d) *EXCEPTION FOR MEETING OPERATIONAL NEED*
7 *STATEMENT REQUIREMENTS.—The limitation in sub-*
8 *section (a) does not apply to the procurement of individual*
9 *components of the brigade set if the procurement of such*
10 *components is specifically intended to address an oper-*
11 *ational need statement requirement (as described in Army*
12 *Regulation 71-9 or a successor regulation).*

13 **SEC. 112. REPORT ON ARMY BATTLEFIELD NETWORK PLANS**
14 **AND PROGRAMS.**

15 (a) *REPORT REQUIRED.—Not later than March 1,*
16 *2011, the Secretary of the Army shall submit to the congres-*
17 *sional defense committees a report on plans for fielding tac-*
18 *tical communications network equipment. Such report shall*
19 *include—*

20 (1) *an explanation of the current communica-*
21 *tions architecture of every level of the Army;*

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

24 (3) *the quantities and types of new equipment*
25 *that the Secretary plans to procure in the five-year*

1 *period following the date on which the report is sub-*
2 *mitted in order to develop the architecture described*
3 *in paragraph (2); and*

4 *(4) a list of the equipment described in para-*
5 *graph (3) that is included in the budget of the Presi-*
6 *dent for fiscal year 2012 (as submitted to Congress*
7 *pursuant to section 1105 of title 31, United States*
8 *Code).*

9 *(b) LIMITATION ON OBLIGATION OF FUNDS.—Except*
10 *as provided in subsection (c), of the funds authorized to be*
11 *appropriated by this or any other Act for fiscal year 2011*
12 *for procurement, Army, for tactical radios or tactical com-*
13 *munications network equipment, not more than 50 percent*
14 *may be obligated or expended until the date that is 15 days*
15 *after the date on which the report is submitted under sub-*
16 *section (a).*

17 *(c) EXCEPTION FOR MEETING OPERATIONAL NEED*
18 *STATEMENT REQUIREMENTS.—The limitation in sub-*
19 *section (b) does not apply to the procurement of tactical*
20 *radio or tactical communications network equipment if the*
21 *procurement of such equipment is specifically intended to*
22 *address an operational need statement requirement (as de-*
23 *scribed in Army Regulation 71–9 or a successor regulation).*

24 *(d) TACTICAL COMMUNICATIONS NETWORK EQUIP-*
25 *MENT DEFINED.—In this section, the term “tactical com-*

1 *munications network equipment” means all electronic com-*
2 *munications systems operated by a tactical unit (of brigade*
3 *size or smaller) of the Army.*

4 ***Subtitle C—Navy Programs***

5 ***SEC. 121. INCREMENTAL FUNDING FOR PROCUREMENT OF*** 6 ***LARGE NAVAL VESSELS.***

7 *(a) INCREMENTAL FUNDING OF LARGE NAVAL VES-*
8 *SELS.—Except as provided in subsection (b), the Secretary*
9 *of the Navy may use incremental funding for the procure-*
10 *ment of a large naval vessel over a period not to exceed*
11 *the number of years equal to three-fourths of the total period*
12 *of planned ship construction of such vessel.*

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

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

19 *(2) is needed to provide the Secretary with the*
20 *ability to facilitate changes to the shipbuilding indus-*
21 *trial base of the Navy; and*

22 *(3) will provide the Secretary with the ability to*
23 *award a contract for construction of the vessel that*
24 *provides the best value to the United States.*

1 (c) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
2 *MENTS.—A contract entered into under subsection (a) or*
3 *(b) shall provide that any obligation of the United States*
4 *to make a payment under the contract for a fiscal year after*
5 *the fiscal year the vessel was authorized is subject to the*
6 *availability of appropriations for that purpose for that*
7 *later fiscal year.*

8 (d) *DEFINITIONS.—In this section:*

9 (1) *The term “large naval vessel” means a ves-*
10 *sel—*

11 (A) *that is—*

12 (i) *an aircraft carrier designated a*
13 *CVN;*

14 (ii) *an amphibious assault ship des-*
15 *ignated LPD, LHA, LHD, or LSD; or*

16 (iii) *an auxiliary vessel; and*

17 (B) *that has a light ship displacement of*
18 *17,000 tons or more.*

19 (2) *The term “total period of planned ship con-*
20 *struction” means the period of years beginning on the*
21 *date of the first authorization of funding (not includ-*
22 *ing funding requested for advance procurement) and*
23 *ending on the date that is projected on the date of the*
24 *first authorization of funding to be the delivery date*
25 *of the vessel to the Navy.*

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

3 (a) *MULTIYEAR PROCUREMENT.*—

4 (1) *ADDITIONAL AUTHORITY.*—Section 128 of the
5 *National Defense Authorization Act for Fiscal Year*
6 *2010 (Public Law 111–84; 123 Stat. 2217) is amend-*
7 *ed by adding at the end the following new subsections:*

8 “(e) *UPDATED REPORT.*—With respect to a multiyear
9 contract entered into under subsection (a), the Secretary of
10 Defense may submit to the congressional defense committees
11 an update to the report under section 2306b(l)(4) of title
12 10, United States Code, by not later than September 1,
13 2010.

14 “(f) *REQUIRED AUTHORITY.*—Notwithstanding any
15 other provision of law, with respect to a multiyear contract
16 entered into under subsection (a), this section shall be
17 deemed to meet the requirements under subsection (i)(3)
18 and (l)(3) of section 2306b of title 10, United States Code.

19 “(g) *EXCEPTION TO CERTAIN REQUIREMENT.*—Sec-
20 tion 8008(b) of the Department of Defense Appropriations
21 Act, 1998 (Public Law 105–56; 10 U.S.C. 2306b note) shall
22 not apply to a multiyear contract entered into under sub-
23 section (a).

24 “(h) *USE OF FUNDS.*—

25 (1) *PROCUREMENT.*—In accordance with para-
26 graph (2), the Secretary of Defense shall ensure that

1 *all funds authorized to be appropriated for the ad-*
2 *vance procurement or procurement of F/A-18E, F/A-*
3 *18F, or EA-18G aircraft under this section are obli-*
4 *gated or expended for such purpose.*

5 *“(2) USE OF EXCESS FUNDS.—The Secretary of*
6 *Defense shall ensure that any excess funds are obli-*
7 *gated or expended for the advance procurement or*
8 *procurement of F/A-18E or F/A-18F aircraft under*
9 *this section, regardless of whether such aircraft are in*
10 *addition to the 515 F/A-18E and F/A-18F aircraft*
11 *planned by the Secretary of the Navy.*

12 *“(3) EXCESS FUNDS DEFINED.—In this sub-*
13 *section, the term ‘excess funds’, with respect to funds*
14 *available for the advance procurement or procurement*
15 *of F/A-18E, F/A-18F, or EA-18G aircraft under this*
16 *section, means the amount of funds that is equal to*
17 *the difference of—*

18 *“(A) the sum of—*

19 *“(i) the funds authorized to be appro-*
20 *priated by this Act or otherwise available*
21 *for fiscal year 2010 for the advance procure-*
22 *ment and procurement of F/A-18E, F/A-*
23 *18F, or EA-18G aircraft; and*

24 *“(ii) the funding levels for the advance*
25 *procurement and procurement of such air-*

1 *Operations, shall submit to the congressional defense com-*
2 *mittees a report on the requirements of the major combatant*
3 *surface vessels with respect to missile defense.*

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

6 (1) *An analysis of whether the requirement for*
7 *sea-based missile defense can be accommodated by up-*
8 *grading Aegis ships that exist as of the date of the re-*
9 *port or by procuring additional combatant surface*
10 *vessels.*

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

15 (3) *The number of Aegis ships needed by each*
16 *combatant commander to fulfill ballistic missile de-*
17 *fense requirements, including (in consultation with*
18 *the Chairman of the Joints Chiefs of Staff) the num-*
19 *ber of such ships needed to support the phased, adapt-*
20 *ive approach to ballistic missile defense in Europe.*

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

1 (5) *An evaluation of how the Aegis ballistic mis-*
2 *sile defense program can succeed as part of a bal-*
3 *anced fleet of adequate size and strength to meet the*
4 *security needs of the United States.*

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

8 (7) *A description of the anticipated plan for de-*
9 *ployment of Aegis ballistic missile ships within the*
10 *context of the fleet response plan.*

11 ***Subtitle D—Air Force Programs***

12 ***SEC. 131. PRESERVATION AND STORAGE OF UNIQUE TOOL-*** 13 ***ING FOR F-22 FIGHTER AIRCRAFT.***

14 *Subsection (b) of section 133 of the National Defense*
15 *Authorization Act for Fiscal Year 2010 (Public Law 111-*
16 *84; 123 Stat.2219) is amended by striking “2010” and in-*
17 *serting “2011”.*

18 ***Subtitle E—Joint and Multiservice*** 19 ***Matters***

20 ***SEC. 141. LIMITATION ON PROCUREMENT OF F-35 LIGHT-*** 21 ***NING II AIRCRAFT.***

22 (i) *LIMITATION.—Except as provided in subsection*
23 *(c), of the amounts authorized to be appropriated by this*
24 *Act or otherwise made available for fiscal year 2011 for air-*
25 *craft procurement, Air Force, and aircraft procurement,*

1 *Navy, for F-35 Lightning II aircraft, not more than an*
2 *amount necessary for the procurement of 30 such aircraft*
3 *may be obligated or expended unless—*

4 *(1) the certifications under subsection (b) are re-*
5 *ceived by the congressional defense committees on or*
6 *before January 15, 2011; and*

7 *(2) a period of 15 days has elapsed after the date*
8 *of such receipt.*

9 *(b) CERTIFICATIONS.—Not later than January 15,*
10 *2011—*

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

14 *(A) each of the 11 scheduled system develop-*
15 *ment and demonstration aircraft planned in the*
16 *schedule for delivery during 2010 has been deliv-*
17 *ered to the designated test location;*

18 *(B) the initial service release has been*
19 *granted for the F135 engine designated for the*
20 *short take-off and vertical landing variant;*

21 *(C) facility configuration and industrial*
22 *tooling capability and capacity is sufficient to*
23 *support production of at least 42 F-35 aircraft*
24 *for fiscal year 2011;*

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

3 (E) the Secretary of Defense has—

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

7 (ii) accepted such aircraft for delivery;

8 and

9 (F) advance procurement funds appro-
10 priated for the advance procurement of F136 en-
11 gines for fiscal years 2009 and 2010 have either
12 been obligated or the Secretary of Defense has
13 submitted a reprogramming action to the con-
14 gressional defense committees that would repro-
15 gram such funds to meet other F136 development
16 requirements; and

17 (2) the Director of Operational Test and Evalua-
18 tion shall certify in writing to the congressional de-
19 fense committees that—

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

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

1 (C) 95 percent of the 3,772 flight test points
2 planned for completion in 2010 were accom-
3 plished;

4 (D) the conventional take-off and land vari-
5 ant low observable signature flight test has been
6 conducted and the results of such test have met
7 or exceeded threshold key performance param-
8 eters;

9 (E) six F136 engines have been made avail-
10 able for testing; and

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

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

17 (1) The written certification described in sub-
18 section (b)(1) is submitted by the Under Secretary of
19 Defense for Acquisition, Technology, and Logistics not
20 later than January 15, 2011.

21 (2) The Under Secretary of Defense for Acquisi-
22 tion, Technology, and Logistics certifies in writing to
23 the congressional defense committees that the failure
24 to fully achieve the milestones described in subsection
25 (b)(2) will not—

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

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

5 (C) otherwise increase risk to the F-35 air-
6 craft program.

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

10 (d) *SCHEDULE DEFINED.*—In this section, the term
11 “schedule” means the F-35 Lightning II program update
12 schedule received by the congressional defense committees on
13 March 15, 2010.

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

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

20 (1) the Secretary of Defense submits to the con-
21 gressional defense committees a report on the actions
22 taken—

23 (A) to implement subparagraphs (A)
24 through (F) of paragraph (16) of the National

1 *Security Presidential Directive dated June 5,*
2 *2008 (NSPD-59);*

3 *(B) to implement the recommendations of*
4 *the Comptroller General of the United States in-*
5 *cluded in the report of the Comptroller General*
6 *numbered GAO-08-1065 dated September, 2008;*

7 *(C) to implement the recommendations of*
8 *the Comptroller General included in the report of*
9 *the Comptroller General numbered GAO-09-49*
10 *dated October, 2008;*

11 *(D) to fully and completely characterize the*
12 *current biometrics architecture and establish the*
13 *objective architecture for the Department of De-*
14 *fense;*

15 *(E) to ensure that an official of the Office*
16 *of the Secretary of Defense has the authority nec-*
17 *essary to be responsible for ensuring that all*
18 *funding for biometrics programs and operations*
19 *is programmed, budgeted, and executed; and*

20 *(F) to ensure that an officer within the Of-*
21 *fice of the Joint Chiefs of Staff has the authority*
22 *necessary to be responsible for ensuring the devel-*
23 *opment and implementation of common and*
24 *interoperable standards for the collection, stor-*

1 *age, and use of biometrics data by all combatant*
2 *commanders and their commands; and*

3 *(2) a period of 30 days has elapsed after the date*
4 *on which the report is submitted under paragraph*
5 *(1).*

6 ***(b) SPECIFIC LIMITATION.***—*None of the funds author-*
7 *ized to be appropriated by this Act or otherwise made avail-*
8 *able for fiscal year 2011 for biometrics programs and oper-*
9 *ations may be obligated or expended unless the Under Sec-*
10 *retary of Defense for Acquisition, Technology, and Logistics*
11 *(acting through the Director of Defense Biometrics) ap-*
12 *proves such obligation or expenditure in writing.*

13 ***SEC. 143. COUNTER-IMPROVISED EXPLOSIVE DEVICE INI-***
14 ***TIATIVES DATABASE.***

15 ***(a) COMPREHENSIVE DATABASE.***—

16 ***(1) IN GENERAL.***—*The Secretary of Defense, act-*
17 *ing through the Director of the Joint Improvised Ex-*
18 *plosive Device Defeat Organization, shall develop and*
19 *maintain a comprehensive database containing ap-*
20 *propriate information for coordinating, tracking, and*
21 *archiving each counter-improvised explosive device*
22 *initiative within the Department of Defense. The*
23 *database shall, at a minimum, ensure the visibility of*
24 *each counter-improvised explosive device initiative.*

1 (2) *USE OF INFORMATION.*—Using information
2 contained in the database developed under paragraph
3 (1), the Secretary, acting through the Director of the
4 Joint Improvised Explosive Device Defeat Organiza-
5 tion, shall—

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

8 (B) facilitate the transition of counter-im-
9 provised explosive device initiatives from fund-
10 ing under the Joint Improvised Explosive Device
11 Defeat Fund to funding provided by the military
12 departments; and

13 (C) notify the appropriate personnel and
14 organizations prior to a counter-improvised ex-
15 plosive device initiative being funded through the
16 Joint Improvised Explosive Device Defeat Fund.

17 (3) *COORDINATION.*—In carrying out paragraph
18 (1), the Secretary shall ensure that the Secretary of
19 each military department coordinates and collabo-
20 rates on development of the database to ensure its
21 interoperability, completeness, consistency, and effec-
22 tiveness.

23 (b) *METRICS.*—The Secretary of Defense, acting
24 through the Director of the Joint Improvised Explosive De-
25 vice Defeat Organization, shall—

1 (1) *develop appropriate means to measure the ef-*
2 *fectiveness of counter-improvised explosive device ini-*
3 *tiatives; and*

4 (2) *prioritize the funding of such initiatives ac-*
5 *ording to such means.*

6 (c) *ELIMINATION OF PRIOR NOTICE REQUIREMENT.—*
7 *Subsection (c) of section 1514 of the John Warner National*
8 *Defense Authorization Act for Fiscal Year 2007 (Public*
9 *Law 109–364; 120 Stat. 2439), as amended by the Duncan*
10 *Hunter National Defense Authorization Act for Fiscal Year*
11 *2009 (Public Law 110–417; 122 Stat. 4649), is further*
12 *amended—*

13 (1) *by striking paragraph (4); and*

14 (2) *by redesignating paragraph (5) as para-*
15 *graph (4).*

16 (d) *COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIA-*
17 *TIVE DEFINED.—In this section, the term “counter-impro-*
18 *vised explosive device initiative” means any project, pro-*
19 *gram, or research activity funded by any component of the*
20 *Department of Defense that is intended to assist or support*
21 *efforts to counter, combat, or defeat the use of improvised*
22 *explosive devices.*

1 **SEC. 144. STUDY ON LIGHTWEIGHT BODY ARMOR SOLU-**
2 **TIONS.**

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

6 (1) *assess the effectiveness of the processes used*
7 *by the Secretary to identify and examine the require-*
8 *ments for lighter weight body armor systems; and*

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

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

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

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

22 (3) *The need for research, development, and ac-*
23 *quisition funding dedicated specifically for reducing*
24 *the weight of body armor.*

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

1 (5) *Industry concerns, capabilities, and willing-*
2 *ness to invest in the development and production of*
3 *lightweight body armor initiatives.*

4 (6) *Barriers preventing the development of light-*
5 *er weight body armor (including such barriers with*
6 *respect to technical, institutional, or financial prob-*
7 *lems).*

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

10 (8) *Other areas of concern not previously ad-*
11 *ressed by equipping boards, body armor producers,*
12 *or program managers.*

13 (c) *SUBMISSION TO CONGRESS.—Not later than 180*
14 *days after the date of the enactment of this Act, the Sec-*
15 *retary shall submit to the congressional defense committees*
16 *a report on the study conducted under subsection (a).*

17 ***TITLE II—RESEARCH, DEVELOP-***
18 ***MENT, TEST, AND EVALUA-***
19 ***TION***

20 ***Subtitle A—Authorization of***
21 ***Appropriations***

22 ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

23 *Funds are hereby authorized to be appropriated for fis-*
24 *cal year 2011 for the use of the Department of Defense for*
25 *research, development, test, and evaluation as follows:*

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

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

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

4 (4) *For Defense-wide activities, \$20,908,006,000,*
5 *of which \$194,910,000 is authorized for the Director*
6 *of Operational Test and Evaluation.*

7 ***Subtitle B—Program Requirements,***
8 ***Restrictions, and Limitations***

9 ***SEC. 211. REPORT REQUIREMENTS FOR REPLACEMENT***
10 ***PROGRAM OF THE OHIO-CLASS BALLISTIC***
11 ***MISSILE SUBMARINE.***

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

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

19 (2) *Since 1960, a total of 59 submarines have*
20 *served the United States to provide the sea-based stra-*
21 *tegic deterrence.*

22 (3) *As of the date of the enactment of this Act,*
23 *the sea-based strategic deterrence is provided by the*
24 *tremendous capability of the 14 ships of the Ohio-*

1 *class submarine force, which have been the primary*
2 *sea-based deterrent force for more than two decades.*

3 (4) *Ballistic missile submarines are the most*
4 *survivable asset in the arsenal of the United States in*
5 *the event of a surprise nuclear attack on the country*
6 *because, being submerged for months at a time, these*
7 *submarines are virtually undetectable to any adver-*
8 *sary and therefore invulnerable to attack, thus pro-*
9 *viding the submarines with the ability to respond*
10 *with significant force against any adversary who at-*
11 *tacks the United States or its allies.*

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

14 (1) *as Ohio-class submarines reach the end of*
15 *their service life and are retired, the United States*
16 *must maintain the robust sea-based strategic deterrent*
17 *force that has the ability to remain undetected by po-*
18 *tential adversaries and must have the capability to*
19 *deliver a retaliatory strike of such magnitude that no*
20 *rational actor would dare attack the United States;*

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

1 *tems, the number of submarines necessary to provide*
2 *such deterrence, and the cost of each alternative; and*
3 *(3) prior to requesting more than \$1,000,000,000*
4 *in research and development funding to develop a re-*
5 *placement for the Ohio-class ballistic missile sub-*
6 *marine force in advance of a Milestone A decision, the*
7 *Secretary of Defense should have made available to*
8 *Congress the guidance issued by the Director of Cost*
9 *Assessment and Performance Evaluation with respect*
10 *to the analysis of alternative capabilities and the re-*
11 *sults of such analysis.*

12 *(c) LIMITATION.—*

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

20 *(A) the Secretary of Defense submits to the*
21 *congressional defense committees a report includ-*
22 *ing—*

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 re-*
5 *quirements for such alternatives intended to*
6 *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 alter-*
16 *native 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 sea-*
22 *based deterrence provided by the Ohio-class*
23 *ballistic missile submarine force with an al-*
24 *ternative capability designed to carry the*
25 *Trident II D5 missile; and*

1 (B) a period of 30 days has elapsed after
2 the date on which the report under subparagraph
3 (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 re-
11 search, 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 congressional
16 defense committees certification in writing that all funds
17 made available for fiscal year 2011 for the continued devel-
18 opment and procurement of a competitive propulsion sys-
19 tem for the F-35 Lightning II aircraft have been obligated.

1 **SEC. 213. INCLUSION IN ANNUAL BUDGET REQUEST AND**
2 **FUTURE-YEARS DEFENSE PROGRAM OF SUF-**
3 **FICIENT AMOUNTS FOR CONTINUED DEVEL-**
4 **OPMENT AND PROCUREMENT OF COMPETI-**
5 **TIVE PROPULSION SYSTEM FOR F-35 LIGHT-**
6 **NING II AIRCRAFT.**

7 (a) *ANNUAL BUDGET.*—Chapter 9 of title 10, United
8 States Code, is amended by adding at the end the following
9 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 Sec-
14 retary of Defense shall include in the defense budget mate-
15 rials a request for such amounts as are necessary for the
16 full funding of the continued development and procurement
17 of a competitive propulsion system for the F–35 Lightning
18 II aircraft.

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

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

3 “(c) *REQUIREMENT TO OBLIGATE AND EXPEND*
4 *FUNDS.—Of the amounts authorized to be appropriated for*
5 *fiscal year 2011 or any fiscal year thereafter, for research,*
6 *development, test, and evaluation and procurement for the*
7 *F-35 Lightning II aircraft program, the Secretary of De-*
8 *fense shall ensure the obligation and expenditure in each*
9 *such fiscal year of sufficient annual amounts for the contin-*
10 *ued development and procurement of two options for the*
11 *propulsion system for the F-35 Lightning II aircraft in*
12 *order to ensure the development and competitive production*
13 *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 section*
18 *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 sup-*
22 *port of the budget for that fiscal year.”.*

23 “(b) *CLERICAL AMENDMENT.—The table of sections at*
24 *the beginning of such chapter is amended by at the end the*
25 *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 (Pub-*
3 *lic 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 by*
8 *the Secretary of Defense in connection with the submission*
9 *to Congress, pursuant to section 1105 of title 31, United*
10 *States Code, of the budget for fiscal year 2012, and each*
11 *subsequent fiscal year, the Secretary shall ensure that with-*
12 *in each research, development, test, and evaluation account*
13 *of the Army and the Navy a separate, dedicated program*
14 *element is assigned to the Joint Light Tactical Vehicle.*

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

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

19 (a) *LIMITATION ON CONSTRUCTION AND DEPLOYMENT*
20 *OF SYSTEMS.*—No funds authorized to be appropriated by
21 *this Act or otherwise made available for the Department*
22 *of Defense for fiscal year 2011 or any fiscal year thereafter*
23 *may be obligated or expended for site activation, construc-*
24 *tion, preparation of equipment for, or deployment of a me-*

1 *diurn-range or long-range missile defense system in Europe*
2 *until—*

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

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

13 *(b) LIMITATION ON PROCUREMENT OR DEPLOYMENT*
14 *OF INTERCEPTORS.—No funds authorized to be appro-*
15 *priated by this Act or otherwise made available for the De-*
16 *partment of Defense for fiscal year 2011 or any fiscal year*
17 *thereafter may be obligated or expended for the procurement*
18 *(other than initial long-lead procurement) or deployment*
19 *of operational missiles of a medium-range or long-range*
20 *missile defense system in Europe until the Secretary of De-*
21 *fense, after receiving the views of the Director of Oper-*
22 *ational Test and Evaluation, submits to the congressional*
23 *defense committees a report certifying that the proposed in-*
24 *terceptor to be deployed as part of such missile defense sys-*
25 *tem has demonstrated, through successful, operationally re-*

1 *alistic flight testing, a high probability of working in an*
2 *operationally effective manner and that such missile defense*
3 *system has the ability to accomplish the mission.*

4 (c) *CONFORMING REPEAL.*—Section 234 of the Na-
5 *tional Defense Authorization Act for Fiscal Year 2010 (Pub-*
6 *lic Law 111–81; 123 Stat. 2234) is repealed.*

7 **SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CON-**
8 **TRACTS BY MISSILE DEFENSE AGENCY WITH**
9 **FOREIGN ENTITIES.**

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

13 **SEC. 223. PHASED, ADAPTIVE APPROACH TO MISSILE DE-**
14 **FENSE IN EUROPE.**

15 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
16 *that—*

17 (1) *the new phased, adaptive approach to missile*
18 *defense in Europe, announced by the President on*
19 *September 17, 2009, should be supported by sound*
20 *analysis, program plans, schedules, and technologies*
21 *that are credible;*

22 (2) *the cost, performance, and risk of such ap-*
23 *proach to missile defense should be well understood;*
24 *and*

1 (3) *Congress should have access to information*
2 *regarding the analyses, plans, schedules, technologies,*
3 *cost, performance, and risk of such approach to mis-*
4 *sile defense in order to conduct effective oversight.*

5 **(b) REPORT REQUIRED.—**

6 (1) *REPORT.—The Secretary of Defense shall*
7 *submit to the congressional defense committees a re-*
8 *port on the phased, adaptive approach to missile de-*
9 *fense in Europe.*

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

12 (A) *A discussion of the analyses conducted*
13 *by the Secretary of Defense preceding the an-*
14 *ouncement of the phased, adaptive Approach to*
15 *missile defense in Europe on September 17,*
16 *2009, including—*

17 (i) *a description of any alternatives*
18 *considered;*

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

21 (iii) *the result of each analysis, includ-*
22 *ing a description of the criteria used to*
23 *judge each alternative.*

24 (B) *A discussion of any independent assess-*
25 *ments or reviews of alternative approaches to*

1 *missile defense in Europe considered by the Sec-*
2 *retary in support of the announcement of the*
3 *phased, adaptive approach to missile defense in*
4 *Europe on September 17, 2009.*

5 *(C) A description of the architecture for*
6 *each of the four phases of the phased, adaptive*
7 *approach to missile defense in Europe, includ-*
8 *ing—*

9 *(i) the composition, basing locations,*
10 *and quantities of ballistic missile defense*
11 *assets, including ships, batteries, intercep-*
12 *tors, radars and other sensors, and com-*
13 *mand and control nodes;*

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

17 *(iii) technology maturity levels of mis-*
18 *sile defense assets and plans for retiring*
19 *technical risks;*

20 *(iv) planned performance of missile de-*
21 *fense assets and defended area coverage, in-*
22 *cluding sensitivity analysis to various bas-*
23 *ing scenarios and varying threat capabili-*
24 *ties (including simple and complex threats,*

1 *liquid and solid-fueled ballistic missiles,*
2 *and varying raid sizes);*

3 *(v) operational concepts and how such*
4 *operational concepts effect force structure*
5 *and inventory requirements;*

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

9 *(vii) acquisition strategies.*

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

16 (c) *LIMITATION ON FUNDS.—Of the amounts author-*
17 *ized to be appropriated by section 301(5) for operation and*
18 *maintenance, Defense-wide, for the Office of the Secretary*
19 *of Defense, not more than 95 percent of such amounts may*
20 *be obligated or expended until the date on which the report*
21 *required under subsection (b)(1) is submitted to the congres-*
22 *sional defense committees.*

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

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

1 (1) *As noted by the Director of National Intel-*
2 *ligence, testifying before the Senate Select Committee*
3 *on Intelligence on February 2, 2010, “the Iranian re-*
4 *gime continues to flout UN Security Council restric-*
5 *tions on its nuclear program. . .we judge Iran would*
6 *likely choose missile delivery as its preferred method*
7 *of delivering a nuclear weapon. Iran already has the*
8 *largest inventory of ballistic missiles in the Middle*
9 *East and it continues to expand the scale, reach, and*
10 *sophistication of its ballistic missile forces—many of*
11 *which are inherently capable of carrying a nuclear*
12 *payload.”.*

13 (2) *The Unclassified Report on Military Power*
14 *of Iran, dated April 2010, states that, “with sufficient*
15 *foreign assistance, Iran could probably develop and*
16 *test an intercontinental ballistic missile (ICBM) ca-*
17 *pable of reaching the United States by 2015. Iran*
18 *could also have an intermediate-range ballistic missile*
19 *(IRBM) capable of threatening Europe.”.*

20 (3) *Under phase 3 of the phased, adaptive ap-*
21 *proach for missile defense in Europe (scheduled for*
22 *2018), the United States plans to deploy the standard*
23 *missile—3 block IIA interceptor at sea- and land-based*
24 *sites in addition to existing missile defense systems to*
25 *provide coverage for all NATO allies in Europe*

1 *against medium- and intermediate-range ballistic*
2 *missiles.*

3 (4) *Under phase 4 of the phased, adaptive ap-*
4 *proach for missile defense in Europe (scheduled for*
5 *2020), the United States plans to deploy the standard*
6 *missile–3 block IIB interceptor to provide additional*
7 *coverage of the United States against a potential*
8 *intercontinental ballistic missile launched from the*
9 *Middle East in the 2020 time frame.*

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

22 (b) *POLICY.—It shall be the policy of the United States*
23 *to—*

24 (1) *field missile defense systems in Europe*
25 *that—*

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

6 (B) have been confirmed to perform the as-
7 signed mission after successful, operationally re-
8 alistic testing;

9 (2) field missile defenses to protect the territory
10 of the United States pursuant to the National Missile
11 Defense Act of 1999 (Public Law 106–38; 10 U.S.C.
12 2431 note) and to test those systems in an operation-
13 ally realistic manner;

14 (3) ensure that the standard missile–3 block IIA
15 interceptor planned for phase 3 of the phased, adapt-
16 ive approach for missile defense is capable of address-
17 ing intermediate-range ballistic missiles launched
18 from the Middle East and the standard missile–3
19 block IIB interceptor planned for phase 4 of such ap-
20 proach is capable of addressing intercontinental bal-
21 listic missiles launched from the Middle East; and

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

24 (A) as a means of protection in the event
25 that—

1 (i) *the intermediate-range ballistic*
2 *missile threat to NATO allies in Europe*
3 *materializes before the availability of the*
4 *standard missile–3 block IIA interceptor;*

5 (ii) *the intercontinental ballistic mis-*
6 *sile threat to the United States that cannot*
7 *be countered with the existing ground-based*
8 *missile defense system materializes before*
9 *the availability of the standard missile–3*
10 *block IIB interceptor; or*

11 (iii) *technical challenges or schedule*
12 *delays affect the standard missile–3 block*
13 *IIA interceptor or the standard missile–3*
14 *block IIB interceptor; and*

15 (B) *as a complement to the missile defense*
16 *capabilities deployed in Alaska and California*
17 *for the defense of the United States.*

18 **SEC. 225. INDEPENDENT ASSESSMENT OF THE PLAN FOR**
19 **DEFENSE OF THE HOMELAND AGAINST THE**
20 **THREAT OF BALLISTIC MISSILES.**

21 (a) *FINDING.*—*Congress finds that section 2 of the Na-*
22 *tional Missile Defense Act of 1999 (Public Law 106–38; 10*
23 *U.S.C. 2431 note) states that it is the policy of the United*
24 *States to deploy as soon as is technologically possible an*
25 *effective National Missile Defense system capable of defend-*

1 *ing the territory of the United States against limited bal-*
2 *listic missile attack (whether accidental, unauthorized, or*
3 *deliberate) with funding subject to the annual authorization*
4 *of appropriations and the annual appropriation of funds*
5 *for National Missile Defense.*

6 **(b) ASSESSMENT.**—*The Secretary of Defense shall con-*
7 *tract with an independent entity to conduct an assessment*
8 *of the plans of the Secretary for defending the territory of*
9 *the United States against the threat of attack by ballistic*
10 *missiles, including electromagnetic pulse attacks, as such*
11 *plans are described in the Ballistic Missile Defense Review*
12 *submitted to Congress on February 1, 2010, and the report*
13 *submitted to Congress under section 232 of the National De-*
14 *fense Authorization Act for Fiscal Year 2010 (Public Law*
15 *111–84; 123 Stat. 2232).*

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

18 **(1)** *The ballistic missile threat, including electro-*
19 *magnetic pulse attacks, against which the homeland*
20 *defense elements are intended to defend, including mo-*
21 *bile or fixed threats that might arise from non-state*
22 *actors and accidental or unauthorized launches.*

23 **(2)** *The military requirements for defending the*
24 *territory of the United States against such missile*
25 *threats.*

1 (3) *The capabilities of the missile defense ele-*
2 *ments available to defend the territory of the United*
3 *States as of the date of the assessment.*

4 (4) *The planned capabilities of the homeland de-*
5 *fense elements, if different from the capabilities under*
6 *paragraph (3).*

7 (5) *The force structure and inventory levels nec-*
8 *essary to achieve the planned capabilities of the ele-*
9 *ments described in paragraph (3) and (4).*

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

13 (7) *The number of interceptor missiles necessary*
14 *for operational assets, test assets (including develop-*
15 *mental and operational test assets and aging and sur-*
16 *veillance test assets), and spare missiles.*

17 (d) *REPORT.—*

18 (1) *IN GENERAL.—At or about the same time the*
19 *budget of the President for fiscal year 2012 is sub-*
20 *mitted to Congress pursuant to section 1105 of title*
21 *31, United States Code, the Secretary shall submit to*
22 *the congressional defense committees a report setting*
23 *forth the results of the assessment required by sub-*
24 *section (b).*

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

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

5 (a) *STUDY.*—*The Secretary of Defense, in coordination*
6 *with the Chairman of the Joint Chiefs of Staff, shall con-*
7 *duct a joint capabilities mix study on the ballistic missile*
8 *defense capabilities of the United States.*

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

11 (1) *An assessment of the missile defense capa-*
12 *bility, force structure, and inventory sufficiency re-*
13 *quirements of the combatant commanders based on*
14 *the threat assessments and operational plans for each*
15 *combatant command.*

16 (2) *A discussion of the infrastructure necessary*
17 *to achieve the ballistic missile defense capabilities,*
18 *force structure, and inventory assessed under para-*
19 *graph (1).*

20 (3) *An analysis of mobile and fixed missile de-*
21 *fense assets.*

22 (c) *REPORT.*—

23 (1) *IN GENERAL.*—*At or about the same time the*
24 *budget of the President for fiscal year 2012 is sub-*
25 *mitted to Congress pursuant to section 1105 of title*

1 31, *United States Code*, the Secretary shall submit to
2 the congressional defense committees a report setting
3 forth the results of the study under subsection (a).

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

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

7 (a) *REPORTS.*—Not later than 90 days after the date
8 of the enactment of this Act, and each 180-day period there-
9 after, the Secretary of Defense shall submit to the congres-
10 sional defense committees a report on the standard missile
11 system, particularly with respect to standard missile-3
12 block IIA and standard missile-3 block IIB.

13 (b) *MATTERS INCLUDED.*—The reports under sub-
14 section (a) shall include the following:

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

17 (2) A review of the standard missile's compari-
18 son capability against all expected threats.

19 (3) A report on the progress of complimentary
20 systems, including, at a minimum, radar systems, de-
21 livery systems, and recapitalization of supporting
22 software and hardware.

23 (4) Any industrial capacities that must be main-
24 tained to ensure adequate manufacturing of standard
25 missile technology and production ratio.

1 ***Subtitle D—Reports***

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

5 (a) *REPORT REQUIRED.*—Not later than January 15,
6 2011, the Secretary of the Army shall provide to the con-
7 gressional defense committees a report on the Ground Com-
8 bat Vehicle program of the Army. Such report shall in-
9 clude—

10 (1) *the results of the analysis of alternatives con-*
11 *ducted prior to milestone A, including any technical*
12 *data; and*

13 (2) *an explanation of any plans to adjust the re-*
14 *quirements of the Ground Combat Vehicle program*
15 *during the technology development phase of such pro-*
16 *gram.*

17 (b) *FORM.*—The report required by subsection (a) shall
18 be submitted in unclassified form, but may include a classi-
19 fied annex.

20 (c) *LIMITATION ON OBLIGATION OF FUNDS.*—Of the
21 funds authorized to be appropriated by this or any other
22 Act for fiscal year 2011 for research, development, test, and
23 evaluation, Army, for development of the Ground Combat
24 Vehicle, not more than 50 percent may be obligated or ex-

1 *pending until the date that is 30 days after the date on which*
2 *the report is submitted under subsection (a).*

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

5 *(a) COST BENEFIT ANALYSIS REQUIRED.—*

6 *(1) IN GENERAL.—The Secretary of the Army*
7 *shall conduct a cost benefit analysis of future muni-*
8 *tions to be fired from the M1 Abrams series main bat-*
9 *tle tank to determine the proper investment to be*
10 *made in tank munitions, including beyond line of*
11 *sight technology.*

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

14 *(A) the predicted operational performance*
15 *of future tank-fired munitions, including those*
16 *incorporating beyond line of sight technology,*
17 *based on the relevant modeling and simulation of*
18 *future combat scenarios of the Army, including*
19 *a detailed analysis on the suitability of each mu-*
20 *nition to address the full spectrum of targets*
21 *across the entire range of the tank (including*
22 *close range, mid-range, long-range, and beyond*
23 *line of sight);*

24 *(B) a detailed assessment of the projected*
25 *costs to develop and field each tank-fired muni-*

1 (1) *IN GENERAL.*—Not later than March 1 of
2 each year beginning in 2011 and ending in 2018, the
3 Comptroller General shall submit to the congressional
4 defense committees a report on the review of the VH–
5 (XX) aircraft acquisition program conducted under
6 subsection (a).

7 (2) *MATTERS TO BE INCLUDED.*—Each report on
8 the review of the VH–(XX) aircraft acquisition pro-
9 gram shall include the following:

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

13 (B) *With respect to meeting the desired ini-*
14 *tial operational capability and full operational*
15 *capability dates for the VH–(XX) aircraft, the*
16 *progress and results of—*

17 (i) *developmental and operational test-*
18 *ing of the aircraft; and*

19 (ii) *plans for correcting deficiencies in*
20 *aircraft performance, operational effective-*
21 *ness, reliability, suitability, and safety.*

22 (C) *An assessment of VH–(XX) aircraft*
23 *procurement plans, production results, and ef-*
24 *forts to improve manufacturing efficiency and*
25 *supplier performance.*

1 (D) *An assessment of the acquisition strat-*
2 *egy of the VH-(XX) aircraft, including whether*
3 *such strategy is in compliance with acquisition*
4 *management best-practices and the acquisition*
5 *policy and regulations of the Department of De-*
6 *fense.*

7 (E) *A risk assessment of the integrated mas-*
8 *ter schedule and the test and evaluation master*
9 *plan of the VH-(XX) aircraft as it relates to—*

10 (i) *the probability of success;*

11 (ii) *the funding required for such air-*
12 *craft compared with the funding pro-*
13 *grammed; and*

14 (iii) *development and production con-*
15 *currency.*

16 (3) *ADDITIONAL INFORMATION.—In submitting*
17 *to the congressional defense committees the first report*
18 *under paragraph (1) and a report following any*
19 *changes made by the Secretary of the Navy to the*
20 *baseline documentation of the VH-(XX) aircraft ac-*
21 *quisition program, the Comptroller General shall in-*
22 *clude, with respect to such program, an assessment of*
23 *the sufficiency and objectivity of—*

24 (A) *the analysis of alternatives;*

25 (B) *the initial capabilities document;*

1 (C) the capabilities development document;
2 and
3 (D) the systems requirement document.

4 **SEC. 234. JOINT ASSESSMENT OF THE JOINT EFFECTS TAR-**
5 **GETING SYSTEM.**

6 (a) *REVIEW.*—Not later than March 1, 2011, the
7 Under Secretary of Defense for Acquisition, Technology,
8 and Logistics shall form a joint assessment team to review
9 the joint effects targeting system.

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

14 **Subtitle E—Other Matters**

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

16 (a) *NON-LETHAL DEMONSTRATION PROGRAM.*—The
17 Secretary of Defense, acting through the Director of Oper-
18 ational Test and Evaluation and in consultation with the
19 Executive Agent for Non-lethal Weapons, shall carry out a
20 program to operationally test and evaluate non-lethal
21 weapons that provide counter-personnel escalation of force
22 options to members of the Armed Forces deploying in sup-
23 port of a contingency operation.

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

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

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

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

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

15 (4) details, by service, the number of units re-
16 ceiving pre-deployment training on each non-lethal
17 weapon and the total number of units trained.

18 (d) *PROCUREMENT LINE ITEM.*—In the budget mate-
19 rials submitted to the President by the Secretary of Defense
20 in connection with submission to Congress, pursuant to sec-
21 tion 1105 of title 31, United States Code, of the budget for
22 fiscal year 2012, and each subsequent fiscal year, the Sec-
23 retary shall ensure that within each military department
24 procurement account, a separate, dedicated procurement
25 line item is designated for non-lethal weapons.

1 **SEC. 242. PILOT PROGRAM TO INCLUDE TECHNOLOGY PRO-**
2 **TECTION FEATURES DURING RESEARCH AND**
3 **DEVELOPMENT OF DEFENSE SYSTEMS.**

4 (a) *PILOT PROGRAM.*—*The Secretary of Defense shall*
5 *carry out a pilot program to develop and incorporate tech-*
6 *nology protection features in a designated system during*
7 *the research and development phase of such system.*

8 (b) *FUNDING.*—*Of the amounts authorized to be appro-*
9 *priated by this Act for research, development, test, and eval-*
10 *uation, Defense-wide, not more than \$5,000,000 may be*
11 *available to carry out this section.*

12 (c) *ANNUAL REPORTS.*—*Not later than December 31*
13 *of each year in which the Secretary carries out the pilot*
14 *program, the Secretary shall submit to the congressional de-*
15 *fense committees a report on the pilot program established*
16 *under this section, including a list of each designated sys-*
17 *tem included in the program.*

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

20 (e) *DEFINITIONS.*—*In this section:*

21 (1) *The term “designated system” means any*
22 *system (including a major system, as defined in sec-*
23 *tion 2302(5) of title 10, United States Code) that the*
24 *Under Secretary of Defense for Acquisition, Tech-*
25 *nology, and Logistics designates as being included in*
26 *the pilot program established under this section.*

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

7 **SEC. 243. PILOT PROGRAM ON COLLABORATIVE ENERGY SE-**
8 **CURITY.**

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

16 (b) *SELECTION OF MILITARY INSTALLATION AND NA-*
17 *TIONAL LABORATORY.—The Secretary of Defense and the*
18 *Secretary of Energy shall jointly select a military installa-*
19 *tion and a national laboratory for the purpose of carrying*
20 *out the pilot program under this section. In making such*
21 *selections, the Secretaries shall consider each of the fol-*
22 *lowing:*

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

1 (2) *The findings and recommendations of rel-*
2 *evant energy security assessments of military installa-*
3 *tions being considered for selection.*

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

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

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

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

20 (1) *Under the pilot program, the Secretaries*
21 *shall evaluate and validate the performance of new*
22 *energy technologies that may be incorporated into op-*
23 *erating environments.*

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

1 *Reliability of the Department of Energy and other of-*
2 *fices and agencies within the Department of Energy,*
3 *as appropriate, and the Environmental Security*
4 *Technical Certification Program of the Department of*
5 *Defense.*

6 (3) *Under the pilot program, the Secretary of*
7 *Defense shall investigate opportunities for any excess*
8 *electricity created for the military installation to be*
9 *sold or otherwise made available to the local commu-*
10 *nity near the installation.*

11 (4) *The Secretary of Defense shall use the results*
12 *of the pilot program as the basis for informing key*
13 *performance parameters and validating energy com-*
14 *ponents and designs that could be implemented in*
15 *various military installations across the country and*
16 *at forward operating bases.*

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

20 (d) *IMPLEMENTATION AND DURATION.—The Secretary*
21 *of Defense shall begin the pilot program under this section*
22 *by not later than July 1, 2011. Such pilot program shall*
23 *be not less than three years in duration.*

24 (e) *REPORTS.—*

1 (1) *INITIAL REPORT.*—Not later than October 1,
2 2011, the Secretary of Defense shall submit to the ap-
3 propriate congressional committees an initial report
4 that provides an update on the implementation of the
5 pilot program under this section, including an identi-
6 fication of the selected military installation and na-
7 tional laboratory partner and a description of tech-
8 nologies under evaluation.

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

15 (f) *FUNDING.*—

16 (1) *DEPARTMENT OF DEFENSE.*—Of the funds
17 authorized to be appropriated by section 201 for fiscal
18 year 2011 for research, development, test, and evalua-
19 tion, Defense-wide, \$5,000,000 is available to carry
20 out this section.

21 (2) *DEPARTMENT OF ENERGY.*—Upon deter-
22 mination by the Secretary of Energy that the pro-
23 gram under this section is relevant and consistent
24 with the mission of the Department of Energy to lead
25 the modernization of the electric grid, enhance the se-

1 *curity and reliability of the energy infrastructure,*
2 *and facilitate recovery from disruptions to energy*
3 *supply, the Secretary may transfer funds made avail-*
4 *able for the Office of Electricity Delivery and Energy*
5 *Reliability of the Department of Energy in order to*
6 *carry out this section.*

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

8 *(1) The term “appropriate congressional com-*
9 *mittees” means—*

10 *(A) the Committee on Armed Services, the*
11 *Committee on Energy and Commerce, and the*
12 *Committee on Science and Technology of the*
13 *House of Representatives; and*

14 *(B) the Committee on Armed Services, the*
15 *Committee on Energy and Natural Resources,*
16 *and the Committee on Commerce, Science, and*
17 *Transportation of the Senate.*

18 *(2) The term “microgrid” means an integrated*
19 *energy system consisting of interconnected loads and*
20 *distributed energy resources (including generators, en-*
21 *ergy storage devices, and smart controls) that can op-*
22 *erate with the utility grid or in an intentional*
23 *islanding mode.*

24 *(3) The term “national laboratory” means—*

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

4 (B) a national security laboratory (as de-
5 fined in section 3281 of the National Nuclear Se-
6 curity Administration Act (50 U.S.C. 2471)).

7 **TITLE III—OPERATION AND**
8 **MAINTENANCE**

9 **Subtitle A—Authorization of**
10 **Appropriations**

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

12 *Funds are hereby authorized to be appropriated for fis-*
13 *cal year 2011 for the use of the Armed Forces and other*
14 *activities and agencies of the Department of Defense for ex-*
15 *penses, not otherwise provided for, for operation and main-*
16 *tenance, in amounts as follows:*

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

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

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

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

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

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

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

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

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

1 (10) *For the Army National Guard,*
2 \$6,628,525,000.

3 (11) *For the Air National Guard,*
4 \$5,980,139,000.

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

7 (13) *For the Acquisition Development Workforce*
8 *Fund, \$229,561,000.*

9 (14) *For Environmental Restoration, Army,*
10 \$444,581,000.

11 (15) *For Environmental Restoration, Navy,*
12 \$304,867,000.

13 (16) *For Environmental Restoration, Air Force,*
14 \$502,653,000.

15 (17) *For Environmental Restoration, Defense-*
16 *wide, \$10,744,000.*

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

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

21 (20) *For Cooperative Threat Reduction pro-*
22 *grams, \$522,512,000.*

1 **Subtitle B—Energy and**
2 **Environmental Provisions**

3 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
4 **TION AGENCY FOR CERTAIN COSTS IN CON-**
5 **NECTION WITH THE TWIN CITIES ARMY AM-**
6 **MUNITION PLANT, MINNESOTA.**

7 (a) *AUTHORITY TO REIMBURSE.*—

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

13 (2) *PURPOSE OF REIMBURSEMENT.*—A payment
14 made under paragraph (1) is to reimburse the Envi-
15 ronmental Protection Agency for all costs the Agency
16 has incurred through fiscal year 2011 relating to the
17 response actions performed by the Department of De-
18 fense under the Defense Environmental Restoration
19 Program at the Twin Cities Army Ammunition
20 Plant, Minnesota.

21 (3) *INTERAGENCY AGREEMENT.*—The reimburse-
22 ment described in paragraph (2) is provided for in an
23 interagency agreement entered into by the Depart-
24 ment of the Army and the Environmental Protection

1 *Agency for the Twin Cities Army Ammunition Plant*
2 *that took effect in December 1987.*

3 *(b) SOURCE OF FUNDS.—A payment under subsection*
4 *(a) shall be made using funds authorized to be appropriated*
5 *for fiscal year 2011 to the Department of Defense for oper-*
6 *ation and maintenance for Environmental Restoration,*
7 *Army.*

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

12 **SEC. 312. PAYMENT TO ENVIRONMENTAL PROTECTION**
13 **AGENCY OF STIPULATED PENALTIES IN CON-**
14 **NECTION WITH NAVAL AIR STATION, BRUNS-**
15 **WICK, MAINE.**

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

24 *(b) PURPOSE OF TRANSFER.—The purpose of a trans-*
25 *fer made under subsection (a) is to satisfy a stipulated pen-*

1 *alty assessed by the Environmental Protection Agency on*
2 *June 12, 2008, against Naval Air Station, Brunswick,*
3 *Maine, for the failure of the Navy to sample certain moni-*
4 *toring wells in a timely manner pursuant to a schedule in-*
5 *cluded in the Federal facility agreement for Naval Air Sta-*
6 *tion, Brunswick, which was entered into by the Secretary*
7 *of the Navy and the Administrator of the Environmental*
8 *Protection Agency on October 19, 1990.*

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

14 **SEC. 313. TESTING AND CERTIFICATION PLAN FOR OPER-**
15 **ATIONAL USE OF AN AVIATION BIOFUEL DE-**
16 **RIVED FROM MATERIALS THAT DO NOT COM-**
17 **PETE WITH FOOD STOCKS.**

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

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

24 (2) *is suitable for use for military purposes as*
25 *an aviation fuel or in an aviation-fuel blend.*

1 **SEC. 314. REPORT IDENTIFYING HYBRID OR ELECTRIC PRO-**
2 **PULSION SYSTEMS AND OTHER FUEL-SAVING**
3 **TECHNOLOGIES FOR INCORPORATION INTO**
4 **TACTICAL MOTOR VEHICLES.**

5 (a) *IDENTIFICATION OF USABLE ALTERNATIVE TECH-*
6 *NOLOGY.—Not later than 180 days after the date of the en-*
7 *actment of this Act, the Secretary of each military depart-*
8 *ment shall submit to Congress a report identifying hybrid*
9 *or electric propulsion systems and other vehicle technologies*
10 *that reduce consumption of fossil fuels and are suitable for*
11 *incorporation into the current fleet of tactical motor vehi-*
12 *cles of each Armed Force under the jurisdiction of the Sec-*
13 *retary. In identifying suitable alternative technologies, the*
14 *Secretary shall consider the feasibility and cost of incor-*
15 *porating the technology, the design changes and amount of*
16 *time required for incorporation, and the overall impact of*
17 *incorporation on vehicle performance.*

18 (b) *HYBRID DEFINED.—In this section, the term “hy-*
19 *brid” refers to a propulsion system, including the engine*
20 *and drive train, that draws energy from onboard sources*
21 *of stored energy that involve—*

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

24 (2) *a rechargeable energy storage system.*

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

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

5 *Section 2330a(c)(1) of title 10, United States Code, is*
6 *amended—*

7 *(1) in the matter preceding subparagraph (A),*
8 *by inserting after the first sentence the following new*
9 *sentence: “The guidance for compiling the inventory*
10 *shall be issued by the Under Secretary of Defense for*
11 *Personnel and Readiness, as supported by the Under*
12 *Secretary of Defense (Comptroller) and the Under*
13 *Secretary of Defense for Acquisition, Technology, and*
14 *Logistics.”; and*

15 *(2) by striking subparagraph (E) and inserting*
16 *the following new subparagraph (E):*

17 *“(E) The number and work location of con-*
18 *tractor employees, expressed as full-time equivalents*
19 *for direct labor, using direct labor hours and associ-*
20 *ated cost data collected from contractors.”.*

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

5 *Section 346 of the Strom Thurmond National Defense*
6 *Authorization Act for Fiscal Year 1999 (Public Law 105-*
7 *261; 112 Stat. 1979; 10 U.S.C. 2464 note) is repealed.*

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

10 *(a) PILOT PROGRAM AUTHORIZED.—Not later than*
11 *180 days after the date of the enactment of this Act, the*
12 *Secretary of Defense shall establish a pilot program under*
13 *which the Secretary shall implement a best value procure-*
14 *ment standard in entering into contracts for the provision*
15 *of private security functions in Afghanistan and Iraq. In*
16 *entering into a covered contract under the pilot program,*
17 *in addition to taking into consideration the cost of the con-*
18 *tract, the Secretary shall take into consideration each of the*
19 *following:*

- 20 (1) *Past performance.*
- 21 (2) *Quality.*
- 22 (3) *Delivery.*
- 23 (4) *Management expertise.*
- 24 (5) *Technical approach.*
- 25 (6) *Experience of key personnel.*
- 26 (7) *Management structure.*

1 (8) *Risk.*

2 (9) *Such other matters as the Secretary deter-*
3 *mines are appropriate.*

4 (b) *JUSTIFICATION.*—*A covered contract under the*
5 *pilot program may not be awarded unless the contracting*
6 *officer for the contract justifies in writing the reason for*
7 *the award of the contract.*

8 (c) *ANNUAL REPORT.*—*Not later than January 15 of*
9 *each year the pilot program under this section is carried*
10 *out, the Secretary of Defense shall submit to the congres-*
11 *sional defense committees an unclassified report containing*
12 *each of the following:*

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

16 (2) *A description of the matters that the Sec-*
17 *retary of Defense took into consideration, in addition*
18 *to cost, in awarding each such contract.*

19 (3) *Any additional information or recommenda-*
20 *tions the Secretary considers appropriate to include*
21 *with respect to the pilot program, the contracts*
22 *awarded under the pilot program, or the consider-*
23 *ations for evaluating such contracts.*

24 (d) *TERMINATION OF PROGRAM.*—*The authority of the*
25 *Secretary of Defense to carry out a pilot program under*

1 *this section terminates on September 30, 2013. The termi-*
2 *nation of the authority shall not affect the validity of con-*
3 *tracts that are awarded or modified during the period of*
4 *the pilot program, without regard to whether the contracts*
5 *are performed during the period.*

6 (e) *DISCRETIONARY IMPLEMENTATION AFTER SEP-*
7 *TEMBER 30, 2013.—After September 30, 2013, implementa-*
8 *tion of a best value procurement standard in entering into*
9 *contracts for the provision of private security functions in*
10 *Afghanistan and Iraq shall be at the discretion of the Sec-*
11 *retary of Defense.*

12 (f) *DEFINITIONS.—In this section:*

13 (1) *The term “best value” means providing the*
14 *best overall benefit to the Government in accordance*
15 *with the tradeoff process described in section 15.101-*
16 *1 of title 48 of the Code of Federal Regulations.*

17 (2) *The term “covered contract” means—*

18 (A) *a contract of the Department of Defense*
19 *for the performance of services; or*

20 (B) *a task order or delivery order issued*
21 *under such a contract.*

22 (3) *The term “private security functions” means*
23 *guarding, by a contractor under a covered contract,*
24 *of personnel, facilities, or property of a Federal agen-*

1 (b) *REGULATIONS REQUIRED.*—Not later than 270
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense shall revise the Department of Defense
4 supplement to the Federal Acquisition Regulation to carry
5 out the requirements of this section and the guidance issued
6 under this section.

7 (c) *DEFINITIONS.*—In this section:

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

9 (A) a contract of the Department of Defense
10 for the performance of services;

11 (B) a subcontract at any tier under such
12 contract;

13 (C) a task order or delivery order issued
14 under such a contract or subcontract.

15 (2) The term “contractor” means, with respect to
16 a covered contract, the contractor or subcontractor
17 carrying out the covered contract.

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

21 (A) Guarding of personnel, facilities, or
22 property of a Federal agency, the contractor or
23 subcontractor, or a third party.

1 (B) *Any other activity for which personnel*
2 *are required to carry weapons in the perform-*
3 *ance of their duties.*

4 (d) *EXCEPTION.—The requirements of this section*
5 *shall not apply to contracts entered into by elements of the*
6 *intelligence community in support of intelligence activities.*

7 **SEC. 325. PROHIBITION ON ESTABLISHING GOALS OR**
8 **QUOTAS FOR CONVERSION OF FUNCTIONS TO**
9 **PERFORMANCE BY DEPARTMENT OF DE-**
10 **FENSE CIVILIAN EMPLOYEES.**

11 (a) *PROHIBITION.—The Secretary of Defense may not*
12 *establish, apply, or enforce any numerical goal, target, or*
13 *quota for the conversion of Department of Defense function*
14 *to performance by Department of Defense civilian employ-*
15 *ees, unless such goal, target, or quota is based on considered*
16 *research and analysis, as required by section 235, 2330a,*
17 *or 2463 of title 10, United States Code.*

18 (b) *DECISIONS TO INSOURCE.—In deciding which*
19 *functions should be converted to performance by Depart-*
20 *ment of Defense civilian employees pursuant to section 2463*
21 *of title 10, United States Code, the Secretary of Defense*
22 *shall use the costing methodology outlined in the Directive-*
23 *Type Memorandum 09-007 (Estimating and Comparing*
24 *the Full Costs of Civilian and Military Manpower and Con-*
25 *tractor Support) or any successor guidance for the deter-*

1 *mination of costs when costs are the sole basis for the deci-*
2 *sion. The Secretary of a military department may issue*
3 *supplemental guidance to assist in such decisions affecting*
4 *functions of that military department.*

5 *(c) REPORTS.—*

6 *(1) REPORT TO CONGRESS.—Not later than De-*
7 *cember 31, 2010, the Secretary of Defense shall submit*
8 *to the congressional defense committees a report on*
9 *the decisions with respect to the conversion of func-*
10 *tions to performance by Department of Defense civil-*
11 *ian employees made during fiscal year 2010. Such re-*
12 *port shall identify, for each such decision—*

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

15 *(B) the basis and rationale for the decision;*
16 *and*

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

20 *(2) COMPTROLLER GENERAL REVIEW.—Not later*
21 *than 120 days after the submittal of the report under*
22 *paragraph (1), the Comptroller General of the United*
23 *States shall submit to the congressional defense com-*
24 *mittees an assessment of the report.*

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.*—Subsection
6 (a) of section 489 of title 10, United States Code, is amend-
7 ed by striking “As part of” and all that follows through
8 “fiscal year—” and inserting the following: “As part of the
9 budget materials submitted to Congress for every odd-num-
10 bered fiscal year, in connection with the submission of the
11 budget for that fiscal year pursuant to section 1105 of title
12 31, the Secretary of Defense shall submit to Congress a re-
13 port on military museums. In each such report, the Sec-
14 retary shall identify all military museums that, during the
15 most recently completed two fiscal-year period—”

16 (b) *REPEAL OF REQUIRED REPORT ELEMENT.*—Sub-
17 section (b) of such section is amended—

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

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

21 (c) *CLERICAL AMENDMENTS.*—

22 (1) *SECTION HEADING.*—The heading of such sec-
23 tion 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 amend-*
6 *ed by striking the item relating to section 489 and in-*
7 *serting 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 “The”*
15 *and inserting “For the fiscal year covered by the*
16 *report and the preceding fiscal year, the”; and*

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

19 (E) *For the fiscal year covered by the report*
20 *and the preceding fiscal year, the amount of funds re-*
21 *quested in the budget for each project or activity de-*
22 *scribed in subparagraph (E) compared to the funding*
23 *requirements for the project or activity.”;*

1 *fense Authorization Act for Fiscal Year 2007 (Public Law*
2 *109-364) is amended by striking section 349.*

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

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

8 (a) *REPORT REQUIRED.—Not later than March 1,*
9 *2011, the Commander of the United States Northern Com-*
10 *mand and the North American Aerospace Defense Com-*
11 *mand (hereinafter in this section referred to as*
12 *“NORTHCOM”) shall submit to the Committee on Armed*
13 *Services of the Senate and the Committee on Armed Service*
14 *of the House of Representatives a report on the Air Sov-*
15 *ereignty Alert (hereinafter in this section referred to as*
16 *“ASA”) Mission and Operation Noble Eagle (hereinafter in*
17 *this section referred to as “ONE”).*

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

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

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

1 (2) *An evaluation of each of the following:*

2 (A) *The current ability to perform the mis-*
3 *sion with regards to training, equipment, fund-*
4 *ing, and military construction.*

5 (B) *Any current deficiencies in the mission.*

6 (C) *Any changes in threats which would*
7 *allow for any change in number of ASA sites or*
8 *force structure required to support the ASA mis-*
9 *sion.*

10 (D) *Future ability to perform the ASA mis-*
11 *sion with current and programmed equipment.*

12 (E) *Coverage of units with respect to—*

13 (i) *population centers covered;*

14 (ii) *targets of value covered, including*
15 *symbolic (national monuments, sports*
16 *venue, and centers of commerce), critical in-*
17 *frastructure (nuclear plants, dams, bridges,*
18 *and telecommunication nodes) and national*
19 *security (military bases and organs of gov-*
20 *ernment); and*

21 (iii) *an unclassified, notional area of*
22 *responsibility conforming to the unclassified*
23 *response time of unit represented graphi-*
24 *cally on a map and detailing total popu-*

1 *lation covered and number of targets de-*
2 *scribed in clause (ii).*

3 (3) *Status of implementation of the recommenda-*
4 *tions made in the Government Accountability Office*
5 *Report entitled “Actions Needed to Improve Manage-*
6 *ment of Air Sovereignty Alert Operations to Protect*
7 *U.S. Airspace” (GAO-09-184).*

8 (d) *MEANS OF DELIVERY OF REPORT.*—*The report re-*
9 *quired by subsection (a) shall be unclassified, and*
10 *NORTHCOM shall brief the Committees on Armed Services*
11 *of the Senate and House of Representatives at the appro-*
12 *priate classification level.*

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

15 (a) *REPORT REQUIRED.*—*Not later than 120 days*
16 *after the date of the enactment of this Act, the Secretary*
17 *of the Air Force shall submit to the Committee on Armed*
18 *Services of the Senate and the Committee on Armed Service*
19 *of the House of Representatives a report describing the feasi-*
20 *bility and desirability of designating the Suppression of*
21 *Enemy Air Defenses/Destruction of Enemy Air Defenses*
22 *(hereinafter in this section referred to as “SEAD/DEAD”)*
23 *mission as a responsibility of the Air National Guard .*

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

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

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

5 (A) *The current ability of the Air National*
6 *Guard to perform the mission with regards to*
7 *training, equipment, funding, and military con-*
8 *struction.*

9 (B) *Any current deficiencies of the Air Na-*
10 *tional Guard to perform the mission.*

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

14 (D) *The need for SEAD/DEAD ranges to be*
15 *constructed on existing ranges operated, con-*
16 *trolled, or used by Air National Guard units*
17 *based on geographic considerations of proximity*
18 *and utility.*

19 (c) *CONSULTATION.—The Secretary of the Air Force*
20 *shall consult with the Director of the National Guard Bu-*
21 *reau who shall be authorized to review and provide inde-*
22 *pendent analysis and comments on the report required*
23 *under subsection (a).*

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

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

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

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

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

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

23 “(c) *USE OF PROCEEDS.*—Amounts received for a fis-
24 cal year in payment of landing fees imposed under this sec-
25 tion for the use of a military airfield shall be credited to

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

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

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

10 **SEC. 342. IMPROVEMENT AND EXTENSION OF ARSENAL**

11 **SUPPORT PROGRAM INITIATIVE.**

12 *(a) IMPROVEMENT.—*

13 *(1) IN GENERAL.—Section 343 of the Floyd D.*
14 *Spence National Defense Authorization Act for Fiscal*
15 *Year 2001 (Public Law 106-398; 10 U.S.C. 4551*
16 *note) is amended—*

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

21 *(B) by striking subsection (d) and redesign-*
22 *ating subsections (e), (f), and (g) as subsections*
23 *(d), (e), and (f), respectively.*

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

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

6 (1) *prioritize the purposes of the Arsenal Sup-*
7 *port Program Initiative under section 343(b) of the*
8 *Floyd D. Spence National Defense Authorization Act*
9 *for Fiscal Year 2001 (Public Law 106-398; U.S.C.*
10 *4551 note), as amended by subsection (a)(1)(A); and*

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

13 (c) *EXTENSION.*—

14 (1) *IN GENERAL.*—*Such section, as amended by*
15 *subsection (a)(1) of this section, is further amended—*

16 (A) *in subsection (a), by striking “2010”*
17 *and inserting “2012”; and*

18 (B) *in paragraph (1) of subsection (f), as*
19 *redesignated by subsection (a)(1)(B) of this sec-*
20 *tion, by striking “2010” and inserting “2012”.*

21 (2) *EFFECTIVE DATE.*—*The amendments made*
22 *by paragraph (1) shall take effect on the date of the*
23 *submittal of the report required under subsection (d).*

24 (d) *REPORT REQUIRED.*—*Not later than 90 days after*
25 *the date of the enactment of this Act, the Secretary of the*

1 *Army shall submit to Congress a report on the Arsenal Sup-*
2 *port Program Initiative that includes—*

3 (1) *the Secretary’s determination with respect to*
4 *the Army’s highest priorities from among the pur-*
5 *poses of the Arsenal Support Program Initiative*
6 *under section 343(b) of the Floyd D. Spence National*
7 *Defense Authorization Act for Fiscal Year 2001 (Pub-*
8 *lic Law 106-398; U.S.C. 4551 note), as amended by*
9 *subsection (a)(1)(A), reflecting the Secretary’s overall*
10 *strategy to achieve desired results;*

11 (2) *performance goals for the Arsenal Support*
12 *Program Initiative; and*

13 (3) *outcome-focused performance measures to as-*
14 *sess the progress the Army has made toward address-*
15 *ing the purposes of the Arsenal Support Program Ini-*
16 *tiative.*

17 **SEC. 343. EXTENSION OF AUTHORITY TO REIMBURSE EX-**
18 **PENSES FOR CERTAIN NAVY MESS OPER-**
19 **ATIONS.**

20 *Section 1014(b) of the Duncan Hunter National De-*
21 *fense Authorization Act for Fiscal Year 2009 (Public Law*
22 *110-417; 122 Stat. 4585) is amended by striking “Sep-*
23 *tember 30, 2010” and inserting “September 30, 2012”.*

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

3 (a) *LIMITATION.*—Of the amounts authorized to be ap-
4 propriated for the Human Terrain System (hereinafter in
5 this section referred to as the “HTS”) that are described
6 in subsection (b), not more than 50 percent of the amounts
7 remaining unobligated as of the date of enactment of this
8 Act may be obligated until the Secretary of the Army sub-
9 mits to the congressional defense committees each of the fol-
10 lowing:

11 (1) *The independent assessment of the HTS*
12 *called for in the report of the Committee on Armed*
13 *Services of the House of Representatives accom-*
14 *panying the National Defense Authorization Act for*
15 *Fiscal Year 2010 (H. Rept. 111-166).*

16 (2) *A validation of all HTS requirements, in-*
17 *cluding any prior joint urgent operations needs state-*
18 *ments.*

19 (3) *A certification that policies, procedures, and*
20 *guidance are in place to protect the integrity of social*
21 *science researchers participating in HTS, including*
22 *ethical guidelines and human studies research proce-*
23 *dures.*

24 (b) *COVERED AUTHORIZATIONS OR APPROPRIA-*
25 *TIONS.*—The amounts authorized to be appropriated de-
26 scribed in this subsection are amounts authorized to be ap-

1 *propriated for fiscal year 2011, including such amounts au-*
2 *thorized to be appropriated for oversees contingency oper-*
3 *ations, for—*

4 *(1) Operation and maintenance for HTS;*

5 *(2) Procurement for Mapping the Human Ter-*
6 *rain hardware and software; and*

7 *(3) Research, development, test, and evaluation*
8 *for Mapping the Human Terrain hardware and soft-*
9 *ware.*

10 **SEC. 345. LIMITATION ON OBLIGATION OF FUNDS PENDING**

11 **SUBMISSION OF CLASSIFIED JUSTIFICATION**

12 **MATERIAL.**

13 *Of the amounts authorized to be appropriated in this*
14 *title for fiscal year 2011 for the Office of the Secretary of*
15 *Defense for budget activity four, line 270, not more than*
16 *90 percent may be obligated until 15 days after the infor-*
17 *mation cited in the classified annex accompanying this Act*
18 *relating to the provision of classified justification material*
19 *to Congress is provided to the congressional defense commit-*
20 *tees.*

21 **SEC. 346. LIMITATION ON RETIREMENT OF C-130 AIRCRAFT**

22 **FROM AIR FORCE INVENTORY.**

23 *The Secretary of the Air Force may not take any ac-*
24 *tion to retire any C-130 aircraft from the inventory of the*
25 *Air Force until 30 days after the date on which the Sec-*

1 *retary submits to the congressional defense committees a*
2 *written agreement between the Director of the Air National*
3 *Guard, the Commander of Air Force Reserve Command,*
4 *and the Chief of Staff of the Air Force. The agreement shall*
5 *specify the following:*

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

9 (2) *The schedule by which any C-130 aircraft*
10 *transferred to the Air Force will be returned to the*
11 *Air National Guard.*

12 (3) *A description of the condition, including the*
13 *estimated remaining service life, in which the C-130*
14 *aircraft will be returned to the Air National Guard*
15 *following the period during which the aircraft are on*
16 *loan to the Air Force.*

17 (4) *A description of the allocation of resources,*
18 *including the designation of responsibility for funding*
19 *aircraft operations and maintenance, in fiscal year*
20 *2011, and detailed description of budgetary respon-*
21 *sibilities through the remaining period the aircraft*
22 *are on loan to the Air Force.*

23 (5) *The designation of responsibility for funding*
24 *depot maintenance requirements or modifications to*
25 *the aircraft during the period the aircraft are on loan*

1 *with the Air Force, or otherwise generated as a result*
2 *of transfer.*

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

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

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

13 (9) *Any other items the Director of the Air Na-*
14 *tional Guard or the Commander of Air Force Reserve*
15 *Command determine are necessary in order to ensure*
16 *such a transfer will not negatively impact the ability*
17 *of the Air National Guard and Air Force Reserve to*
18 *accomplish their respective missions.*

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

21 (a) *COMMERCIAL SALE OF SMALL ARMS AMMUNI-*
22 *TION.—Small arms ammunition and ammunition compo-*
23 *nents in excess of military requirements, including fired*
24 *cartridge cases, which is not otherwise prohibited from com-*
25 *mmercial sale or certified by the Secretary of Defense as un-*

1 *serviceable or unsafe, may not be demilitarized or destroyed*
2 *and shall be made available for commercial sale.*

3 (b) *DEADLINE FOR GUIDANCE.*—*Not later than 90*
4 *days after the date of the enactment of this Act, the Sec-*
5 *retary of Defense shall issue guidance to ensure compliance*
6 *with subsection (a). Not later than 15 days after issuing*
7 *such guidance, the Secretary shall submit to the congres-*
8 *sional defense committees a letter of compliance providing*
9 *notice of such guidance.*

10 **SEC. 348. LIMITATION ON AIR FORCE FISCAL YEAR 2011**

11 **FORCE STRUCTURE ANNOUNCEMENT IMPLE-**
12 **MENTATION.**

13 *None of the amounts authorized to be appropriated by*
14 *this Act or otherwise made available for fiscal year 2011*
15 *may be obligated or expended for the purpose of imple-*
16 *menting the Air Force fiscal year 2011 Force Structure An-*
17 *nouncement until 45 days after—*

18 (1) *the Secretary of the Air Force provides a de-*
19 *tailed report to the Committees on Armed Services of*
20 *the Senate and House of Representatives on the fol-*
21 *low-on missions for bases affected by the 2010 Combat*
22 *Air Forces restructure; and*

23 (2) *the Secretary of the Air Force certifies to the*
24 *Committees on Armed Services of the Senate and*
25 *House of Representatives that the Air Sovereignty*

1 *Alert Mission will be fully resourced with required*
2 *funding, personnel, and aircraft.*

3 ***Subtitle F—Other Matters***

4 ***SEC. 351. EXPEDITED PROCESSING OF BACKGROUND IN-***
5 ***VESTIGATIONS FOR CERTAIN INDIVIDUALS.***

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

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

11 *“(a) EXPEDITED PROCESS.—The Secretary of Defense*
12 *may prescribe a process for expediting the completion of*
13 *the background investigations necessary for granting secu-*
14 *rity clearances for—*

15 *“(1) Department of Defense personnel and De-*
16 *partment of Defense contractor personnel who are en-*
17 *gaged in sensitive duties that are critical to the na-*
18 *tional security; and*

19 *“(2) any individual who submits an application*
20 *for a position as an employee of the Department of*
21 *Defense for which a security clearance is required who*
22 *is a member of the armed forces who was retired or*
23 *separated for physical disability pursuant to chapter*
24 *61 of this title.”; and*

1 (2) *by adding at the end the following new sub-*
2 *section:*

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

8 (b) *EFFECTIVE DATE.—The amendment made by sub-*
9 *section (a) shall apply with respect to a background inves-*
10 *tigation conducted after the date of the enactment of this*
11 *Act.*

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

16 *Section 2583(c) of title 10, United States Code, is*
17 *amended—*

18 (1) *by inserting “(1)” before “Military animals”;*

19 *and*

20 (2) *by adding at the end the following new para-*
21 *graph:*

22 “(2) *For purposes of making a determination under*
23 *subsection (a)(2), unusual or extraordinary circumstances*
24 *may include situations in which the handler of a military*
25 *working dog is a member of the armed forces who is killed*

1 *in action, dies of wounds received in action, or is so seri-*
2 *ously wounded in action that the member will (or most like-*
3 *ly will) receive a medical discharge. If the Secretary of the*
4 *military department concerned determines that an adop-*
5 *tion is justified in such a situation, the military working*
6 *dog shall be made available for adoption only by the imme-*
7 *diately family of the member.”.*

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

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

16 (1) by inserting “*AUTHORITY.*—” before “*When-*
17 *ever*”; and

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

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

23 (1) *LIMITATION ON AMOUNTS CHARGED.*—The
24 *second sentence of subsection (a) of such section is*
25 *amended by inserting before the period the following:*

1 *“, except that in the case of transportation provided*
2 *in response to an emergency, a disaster, or a request*
3 *for humanitarian assistance, any amount charged for*
4 *such transportation may not exceed the cost of pro-*
5 *viding the transportation”.*

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

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

18 *“(c) TRANSPORTATION OF ALLIED PERSONNEL DUR-*
19 *ING CONTINGENCIES OR DISASTER RESPONSES.—(1) Dur-*
20 *ing the five-year period beginning on the date of the enact-*
21 *ment of the National Defense Authorization Act for Fiscal*
22 *Year 2011, when space is available on vessels, vehicles, or*
23 *aircraft operated by the Department of Defense and the Sec-*
24 *retary of Defense determines that operations in the area of*
25 *a contingency operation or disaster response would be fa-*

1 *ilitated if allied forces or civilians were to be transported*
2 *using such vessels, vehicles, or aircraft, the Secretary may*
3 *provide such transportation on a noninterference basis,*
4 *without charge.*

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

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

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

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

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

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

1 **SEC. 354. TECHNICAL CORRECTION TO OBSOLETE REF-**
2 **ERENCE RELATING TO USE OF FLEXIBLE HIR-**
3 **ING AUTHORITY TO FACILITATE PERFORM-**
4 **ANCE OF CERTAIN DEPARTMENT OF DEFENSE**
5 **FUNCTIONS BY CIVILIAN EMPLOYEES.**

6 *2463(d)(1) of title 10, United States Code, is amended*
7 *by striking “under the National Security Personnel System,*
8 *as established”.*

9 **SEC. 355. INVENTORY AND STUDY OF BUDGET MODELING**
10 **AND SIMULATION TOOLS.**

11 *(a) INVENTORY.—*

12 *(1) INVENTORY REQUIRED.—The Comptroller*
13 *General of the United States shall perform an inven-*
14 *tory of all modeling and simulation tools used by the*
15 *Department of Defense to develop and analyze the De-*
16 *partment’s annual budget submission and to support*
17 *decision making inside the budget process. In car-*
18 *rying out the inventory, the Comptroller General shall*
19 *identify the purpose, scope, and levels of validation,*
20 *verification, and accreditation of each such model and*
21 *simulation.*

22 *(2) REPORT.—Not later than December 1, 2010,*
23 *the Comptroller General shall submit to Committees*
24 *on Armed Services of the Senate and House of Rep-*
25 *resentatives and the Secretary of Defense a report on*
26 *the inventory under paragraph (1) and the findings*

1 *of the Comptroller General in carrying out the inven-*
2 *tory.*

3 **(b) STUDY.—**

4 **(1) STUDY REQUIRED.—***By not later than Janu-*
5 *ary 15, 2011, the Secretary of Defense shall seek to*
6 *enter into a contract with a federally funded research*
7 *and development center to carry out a study exam-*
8 *ining the requirements for and capabilities of mod-*
9 *eling and simulation tools used by the Department of*
10 *Defense to support the annual budget process. A con-*
11 *tract entered into under this paragraph shall specify*
12 *that in carrying out the study, the center shall—*

13 **(A)** *use the inventory performed by the*
14 *Comptroller General under subsection (a) as a*
15 *baseline;*

16 **(B)** *examine the efficacy and sufficiency of*
17 *the modeling and simulation tools used by the*
18 *Department of Defense to support the develop-*
19 *ment, analysis, and decision-making associated*
20 *with the construction and validation of require-*
21 *ments used as a basis for the annual budget*
22 *process of the Department;*

23 **(C)** *examine the requirements and any ca-*
24 *pability gaps with respect to such modeling and*
25 *simulation tools;*

1 (D) provide recommendations as to how the
2 Department should best address the requirements
3 and fill the capabilities gaps identified under
4 subparagraph (C);

5 (E) identify annual investment levels in
6 modeling and simulation tools and certifications
7 required to achieve a high degree of confidence in
8 the relationship between the Department's mis-
9 sion effectiveness and the budget materials sub-
10 mitted to the President by the Secretary of De-
11 fense in connection with the submission to Con-
12 gress, pursuant to section 1105 of title 31,
13 United States Code, of the budget for a fiscal
14 year;

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

21 (G) recommend improvements to enhance
22 the confidence, efficacy, and sufficiency of the
23 modeling and simulation tools used by the De-
24 partment of Defense in the development of the
25 annual budget.

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

7 **SEC. 356. SENSE OF CONGRESS REGARDING CONTINUED**
8 **IMPORTANCE OF HIGH-ALTITUDE AVIATION**
9 **TRAINING SITE, COLORADO.**

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

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

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

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

23 (1) *the High-Altitude Army Aviation Training*
24 *Site continues to be critically important to ensuring*

1 *the readiness and capabilities of rotor-wing military*
2 *pilots; and*

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

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

9 *(a) STUDY REQUIRED.—The Secretary of Defense shall*
10 *conduct a study on the effectiveness of simulated tactical*
11 *flight training in a sustained g environment. In conducting*
12 *the study, the Secretary shall include all relevant factors,*
13 *including each of the following:*

14 *(1) Training effectiveness.*

15 *(2) Cost reductions.*

16 *(3) Safety.*

17 *(4) Research benefits.*

18 *(5) Carbon emissions reduction.*

19 *(6) Lifecycles of training aircraft.*

20 *(b) DEADLINE FOR COMPLETION.—The study required*
21 *by subsection (a) shall be completed not later than 18*
22 *months after the date of the enactment of this Act.*

23 *(c) SUBMISSION TO CONGRESS.—Upon completion of*
24 *the study required by subsection (a), the Secretary shall*

1 *submit the results of the study to the congressional defense*
2 *committees.*

3 **SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF**
4 **OBSTRUCTIONS ON MILITARY INSTALLA-**
5 **TIONS AND OPERATIONS.**

6 (a) *DESIGNATION OF DEPARTMENT ORGANIZATION.—*
7 *Not later than 60 days after the date of the enactment of*
8 *this Act, the Secretary of Defense shall designate a single*
9 *organization within the Department of Defense to—*

10 (1) *serve as the executive agent to carry out the*
11 *study required by subsection (b);*

12 (2) *serve as a clearinghouse to review applica-*
13 *tions filed with the Secretary of Transportation pur-*
14 *suant to section 44718 of title 49, United States Code,*
15 *and received by the Department of Defense from the*
16 *Secretary of Transportation; and*

17 (3) *accelerate the development of planning tools*
18 *to provide preliminary notice as to the acceptability*
19 *to the Department of Defense of proposals included in*
20 *an application submitted pursuant to such section.*

21 (b) *MILITARY INSTALLATIONS AND OPERATIONS IM-*
22 *PACT STUDY.—*

23 (1) *STUDY REQUIRED.—Not later than 180 days*
24 *after the date of the enactment of this Act, the Sec-*
25 *retary of Defense shall carry out a study to identify*

1 *any areas where military installations and military*
2 *operations, including the use of air navigation facili-*
3 *ties, navigable airspace, military training routes, and*
4 *air defense radars, could be affected by any proposed*
5 *construction, alteration, establishment, or expansion*
6 *of a structure described in section 44718 of title 49,*
7 *United States Code.*

8 (2) *MILITARY MISSION IMPACT ZONES.*—*The Sec-*
9 *retary of Defense shall publish a notice of the areas*
10 *identified pursuant to the study under paragraph (1).*
11 *Such areas shall be known as “military mission im-*
12 *pact zones”.*

13 (c) *EFFECT OF DEPARTMENT OF DEFENSE HAZARD*
14 *ASSESSMENT.*—*A notice under subsection (a)(3) or (b)(2)*
15 *shall not be considered to be a substitute for any assessment*
16 *required by the Secretary of Transportation under section*
17 *44718 of title 49, United States Code.*

18 (d) *SAVINGS PROVISION.*—*Nothing in this section shall*
19 *be construed to affect or limit the application of, or any*
20 *obligation to comply with, any environmental law, includ-*
21 *ing the National Environmental Policy Act (42 U.S.C.*
22 *4321 et seq.).*

23 (e) *DEFINITIONS.*—*In this section:*

24 (1) *The term “military training route” means a*
25 *training route developed as part of the Military*

1 (2) *The Navy*, 328,700.

2 (3) *The Marine Corps*, 202,100.

3 (4) *The Air Force*, 332,200.

4 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**

5 **STRENGTH MINIMUM LEVELS.**

6 Section 691(b) of title 10, United States Code, is
7 amended by striking paragraphs (1) through (4) and insert-
8 ing the following new paragraphs:

9 “(1) *For the Army*, 547,400.

10 “(2) *For the Navy*, 324,300.

11 “(3) *For the Marine Corps*, 202,100.

12 “(4) *For the Air Force*, 332,200.”.

13 ***Subtitle B—Reserve Forces***

14 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

15 (a) *IN GENERAL.*—*The Armed Forces are authorized*
16 *strengths for Selected Reserve personnel of the reserve com-*
17 *ponents as of September 30, 2011, as follows:*

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

20 (2) *The Army Reserve*, 205,000.

21 (3) *The Navy Reserve*, 65,500.

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

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

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

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

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

5 (1) *the total authorized strength of units orga-*
6 *nized to serve as units of the Selected Reserve of such*
7 *component which are on active duty (other than for*
8 *training) at the end of the fiscal year; and*

9 (2) *the total number of individual members not*
10 *in units organized to serve as units of the Selected*
11 *Reserve of such component who are on active duty*
12 *(other than for training or for unsatisfactory partici-*
13 *pation in training) without their consent at the end*
14 *of the fiscal year.*

15 (c) *END STRENGTH INCREASES.—Whenever units or*
16 *individual members of the Selected Reserve of any reserve*
17 *component are released from active duty during any fiscal*
18 *year, the end strength prescribed for such fiscal year for*
19 *the Selected Reserve of such reserve component shall be in-*
20 *creased proportionately by the total authorized strengths of*
21 *such units and by the total number of such individual mem-*
22 *bers.*

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

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

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

12 (2) *The Army Reserve, 16,261.*

13 (3) *The Navy Reserve, 10,688.*

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

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

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

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

20 *The minimum number of military technicians (dual*
21 *status) as of the last day of fiscal year 2011 for the reserve*
22 *components of the Army and the Air Force (notwith-*
23 *standing section 129 of title 10, United States Code) shall*
24 *be the following:*

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

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

3 (3) *For the Air Force Reserve, 10,720.*

4 (4) *For the Air National Guard of the United*
5 *States, 22,394.*

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

8 (a) *LIMITATIONS.—*

9 (1) *NATIONAL GUARD.—Within the limitation*
10 *provided in section 10217(c)(2) of title 10, United*
11 *States Code, the number of non-dual status techni-*
12 *cians employed by the National Guard as of Sep-*
13 *tember 30, 2011, may not exceed the following:*

14 (A) *For the Army National Guard of the*
15 *United States, 2,520.*

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

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

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

24 (b) *NON-DUAL STATUS TECHNICIANS DEFINED.—In*
25 *this section, the term “non-dual status technician” has the*

1 *meaning given that term in section 10217(a) of title 10,*
2 *United States Code.*

3 *(c) CONFORMING AMENDMENT TO ANNUAL LIMITATION*
4 *ON NON-DUAL STATUS TECHNICIANS FOR THE ARMY NA-*
5 *TIONAL GUARD.—Section 10217(c)(2) of title 10, United*
6 *States Code, is amended by striking “1,950” and inserting*
7 *“2,870”.*

8 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
9 **THORIZED TO BE ON ACTIVE DUTY FOR**
10 **OPERATIONAL SUPPORT.**

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

16 *(1) The Army National Guard of the United*
17 *States, 17,000.*

18 *(2) The Army Reserve, 13,000.*

19 *(3) The Navy Reserve, 6,200.*

20 *(4) The Marine Corps Reserve, 3,000.*

21 *(5) The Air National Guard of the United*
22 *States, 16,000.*

23 *(6) The Air Force Reserve, 14,000.*

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

3 **SEC. 421. MILITARY PERSONNEL.**

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

8 (b) *CONSTRUCTION OF AUTHORIZATION.*—*The author-*
9 *ization of appropriations in subsection (a) supersedes any*
10 *other authorization of appropriations (definite or indefi-*
11 *nite) for such purpose for fiscal year 2011.*

12 **TITLE V—MILITARY PERSONNEL**
13 **POLICY**

14 **Subtitle A—Officer Personnel Policy**
15 **Generally**

16 **SEC. 501. AGE FOR HEALTH CARE PROFESSIONAL APPOINT-**
17 **MENTS AND MANDATORY RETIREMENTS.**

18 (a) *AGE FOR ORIGINAL APPOINTMENT AS A HEALTH*
19 *PROFESSIONS OFFICER.*—*Section 532(d)(2) of title 10,*
20 *United States Code, is amended by striking “reserve”.*

21 (b) *ADDITIONAL CATEGORIES OF OFFICERS ELIGIBLE*
22 *FOR DEFERRAL OF MANDATORY RETIREMENT FOR AGE.*—
23 *Section 1251(b) of such title is amended—*

24 (1) *in paragraph (1), by striking “the officer*
25 *will be performing duties consisting primarily of pro-*

1 *viding patient care or performing other clinical du-*
2 *ties.” and inserting “the officer—*

3 *“(A) will be performing duties consisting pri-*
4 *marily of providing patient care or performing other*
5 *clinical duties; or*

6 *“(B) is in a category of officers designated under*
7 *subparagraph (D) of paragraph (2) whose duties will*
8 *consist primarily of the duties described in clause (i),*
9 *(ii), or (iii) of such subparagraph.”; and*

10 *(2) in paragraph (2)—*

11 *(A) by striking “or” at the end of subpara-*
12 *graph (B);*

13 *(B) by striking the period at the end of sub-*
14 *paragraph (C) and inserting “; or”; and*

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

17 *“(D) an officer in a category of officers des-*
18 *ignated by the Secretary concerned for the purposes of*
19 *this paragraph as consisting of officers whose duties*
20 *consist primarily of—*

21 *“(i) providing health care;*

22 *“(ii) performing other clinical care; or*

23 *“(iii) performing health-care related admin-*
24 *istrative duties.”.*

1 **SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OF-**
2 **FICERS IN THE GRADE OF W-1 BY COMMIS-**
3 **SION AND STANDARDIZATION OF WARRANT**
4 **OFFICER APPOINTING AUTHORITY.**

5 (a) *REGULAR OFFICERS.*—

6 (1) *AUTHORITY FOR APPOINTMENTS BY COMMIS-*
7 *SION IN WARRANT OFFICER W-1 GRADE.*—*The first*
8 *sentence of section 571(b) of title 10, United States*
9 *Code, is amended by striking “by the Secretary con-*
10 *cerned” and inserting “, except that, with respect to*
11 *an armed force under the jurisdiction of the Secretary*
12 *of a military department, the Secretary may provide*
13 *by regulation that appointments in that grade shall*
14 *be made by commission”.*

15 (2) *APPOINTING AUTHORITY.*—*The second sen-*
16 *tence of section 571(b) of such title is amended by in-*
17 *serting before the period at the end the following: “,*
18 *and appointments in the grade of regular warrant of-*
19 *ficer, W-1 (whether by warrant or commission), shall*
20 *be made by the President, except that appointments*
21 *in that grade in the Coast Guard shall be made by*
22 *the Secretary of Homeland Security when it is not*
23 *operating as a service in the Department of the*
24 *Navy”.*

25 (b) *RESERVE OFFICERS.*—*Subsection (b) of section*
26 *12241 of such title is amended to read as follows:*

1 “(b) *Appointments in permanent reserve warrant offi-*
2 *cer grades shall be made in the same manner as is pre-*
3 *scribed for regular warrant officer grades by section 571(b)*
4 *of this title.*”.

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

12 **SEC. 503. NONDISCLOSURE OF INFORMATION FROM DIS-**
13 **CUSSIONS, DELIBERATIONS, NOTES, AND**
14 **RECORDS OF SPECIAL SELECTION BOARDS.**

15 (a) *NONDISCLOSURE OF BOARD PROCEEDINGS.*—*Sec-*
16 *tion 613a of title 10, United States Code, is amended—*
17 (1) *by striking subsection (a) and inserting the*
18 *following new subsection:*

19 “(a) *PROHIBITION ON DISCLOSURE.*—*The proceedings*
20 *of a selection board convened under section 573, 611, or 628*
21 *of this title may not be disclosed to any person not a mem-*
22 *ber of the board, except as authorized or required to process*
23 *the report of the board. This prohibition is a statutory ex-*
24 *emption from disclosure, as described in section 552(b)(3)*
25 *of title 5.*”;

1 (2) *in subsection (b), by striking “AND*
2 *RECORDS” and inserting “NOTES, AND RECORDS”;*
3 *and*

4 (3) *by adding at the end the following new sub-*
5 *section:*

6 “(c) *APPLICABILITY.—This section applies to all selec-*
7 *tion boards convened under section 573, 611, or 628 of this*
8 *title, regardless of the date on which the board was con-*
9 *vened.”.*

10 (b) *REPORTS OF BOARDS.—Section 628(c)(2) of such*
11 *title is amended by striking “sections 576(d) and 576(f)”*
12 *and inserting “sections 576(d), 576(f), and 613a”.*

13 (c) *RESERVE BOARDS.—Section 14104 of such title is*
14 *amended—*

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

17 “(a) *PROHIBITION ON DISCLOSURE.—The proceedings*
18 *of a selection board convened under section 14101 or 14502*
19 *of this title may not be disclosed to any person not a mem-*
20 *ber of the board, except as authorized or required to process*
21 *the report of the board. This prohibition is a statutory ex-*
22 *emption from disclosure, as described in section 552(b)(3)*
23 *of title 5.”;*

1 (2) *in subsection (b), by striking “AND*
2 *RECORDS” and inserting “NOTES, AND RECORDS”;*
3 *and*

4 (3) *by adding at the end the following new sub-*
5 *section:*

6 “(c) *APPLICABILITY.—This section applies to all selec-*
7 *tion boards convened under section 14101 or 14502 of this*
8 *title, regardless of the date on which the board was con-*
9 *vened.”.*

10 **SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM**

11 **LIST OF OFFICERS RECOMMENDED FOR PRO-**
12 **MOTION.**

13 (a) *ACTIVE-DUTY LIST.—Section 629 of title 10,*
14 *United States Code, is amended—*

15 (1) *by redesignating subsection (d) as subsection*
16 *(e); and*

17 (2) *by inserting after subsection (c) the following*
18 *new subsection (d):*

19 “(d) *ADMINISTRATIVE REMOVAL.—If an officer on the*
20 *active-duty list is discharged or dropped from the rolls,*
21 *transferred to a retired status, or found to have been erro-*
22 *neously included in a zone of consideration, after having*
23 *been recommended for promotion to a higher grade under*
24 *this chapter, but before being promoted, the officer shall be*

1 *administratively removed from the promotion list under*
2 *regulations prescribed by the Secretary concerned.”.*

3 (b) *RESERVE ACTIVE-STATUS LIST.*—Section 14310 of
4 *such title is amended—*

5 (1) *by redesignating subsection (d) as subsection*
6 *(e); and*

7 (2) *by inserting after subsection (c) the following*
8 *new subsection (d):*

9 “(d) *ADMINISTRATIVE REMOVAL.*—*If an officer on the*
10 *reserve active-status list is discharged or dropped from the*
11 *rolls, transferred to a retired status, or found to have been*
12 *erroneously included in a zone of consideration, after hav-*
13 *ing been recommended for promotion to a higher grade*
14 *under this chapter or after having been found qualified for*
15 *Federal recognition in the higher grade under title 32, but*
16 *before being promoted, the officer shall be administratively*
17 *removed from the promotion list under regulations pre-*
18 *scribed by the Secretary concerned.”.*

19 **SEC. 505. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS**
20 **OF INQUIRY FOR SEPARATION OF REGULAR**
21 **OFFICERS FOR SUBSTANDARD PERFORM-**
22 **ANCE AND OTHER REASONS.**

23 (a) *ACTIVE DUTY.*—Section 1187 of title 10, United
24 *States Code, is amended—*

1 (1) *in subsection (a), by striking paragraphs (2)*
2 *and (3) and inserting the following new paragraphs:*

3 “(2) *Each member of the board shall be senior in*
4 *rank or grade to the officer being required to show*
5 *cause for retention on active duty.*

6 “(3) *At least one member of the board—*

7 “(A) *shall be in or above the grade of major*
8 *or lieutenant commander, if the grade of the offi-*
9 *cer being required to show cause for retention on*
10 *active duty is below the grade of major or lieu-*
11 *tenant commander; or*

12 “(B) *shall be in a grade above lieutenant*
13 *colonel or commander, if the grade of the officer*
14 *being required to show cause for retention on ac-*
15 *tive duty is major or lieutenant commander or*
16 *above.”;*

17 (2) *in subsection (b), by striking “that officer—*
18 *” and all that follows through the period at the end*
19 *and inserting “that officer meets the grade require-*
20 *ments of subsection (a)(2).”;* and

21 (3) *by adding at the end the following new sub-*
22 *section:*

23 “(e) *REGULATIONS.—The Secretary of a military de-*
24 *partment may prescribe regulations limiting the eligibility*
25 *of officers to serve on a board convened under this chapter*

1 *to officers who, while otherwise qualified, are in the opinion*
2 *of the Secretary best suited for that duty by reason of age,*
3 *education, training, experience, length of service, or tem-*
4 *perament.”.*

5 *(b) RESERVES.—Section 14906 of such title is amend-*
6 *ed—*

7 *(1) in subsection (a), by striking paragraphs (2)*
8 *and (3) and inserting the following new paragraphs:*

9 *“(2) Each member of the board shall be senior in*
10 *rank or grade to the officer being required to show*
11 *cause for retention in an active status.*

12 *“(3) At least one member of the board—*

13 *“(A) shall be in or above the grade of major*
14 *or lieutenant commander, if the grade of the offi-*
15 *cer being required to show cause for retention in*
16 *an active status is below the grade of major or*
17 *lieutenant commander; or*

18 *“(B) shall be in a grade above lieutenant*
19 *colonel or commander, if the grade of the officer*
20 *being required to show cause for retention in an*
21 *active status is major or lieutenant commander*
22 *or above.”; and*

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

1 “(c) *REGULATIONS.*—*The Secretary of a military de-*
2 *partment may prescribe regulations limiting the eligibility*
3 *of officers to serve on a board convened under this chapter*
4 *to officers who, while otherwise qualified, are in the opinion*
5 *of the Secretary best suited for that duty by reason of age,*
6 *education, training, experience, length of service, or tem-*
7 *perament.*”.

8 **SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM**
9 **LENGTH OF ACTIVE SERVICE AS A COMMIS-**
10 **SIONED OFFICER REQUIRED FOR VOLUNTARY**
11 **RETIREMENT AS AN OFFICER.**

12 (a) *ARMY.*—*Section 3911(b)(2) of title 10, United*
13 *States Code, is amended by striking “January 6, 2006, and*
14 *ending on December 31, 2008” and inserting “the date of*
15 *the enactment of the National Defense Authorization Act for*
16 *Fiscal Year 2011 and ending on September 30, 2013”.*

17 (b) *NAVY AND MARINE CORPS.*—*Section 6323(a)(2)(B)*
18 *of such title is amended by striking “January 6, 2006, and*
19 *ending on December 31, 2008” and inserting “the date of*
20 *the enactment of the National Defense Authorization Act for*
21 *Fiscal Year 2011 and ending on September 30, 2013”.*

22 (c) *AIR FORCE.*—*Section 8911(b)(2) of such title is*
23 *amended by striking “January 6, 2006, and ending on De-*
24 *cember 31, 2008” and inserting “the date of the enactment*

1 *of the National Defense Authorization Act for Fiscal Year*
2 *2011 and ending on September 30, 2013”.*

3 ***Subtitle B—Reserve Component***
4 ***Management***

5 ***SEC. 511. PRESEPARATION COUNSELING FOR MEMBERS OF***
6 ***THE RESERVE COMPONENTS.***

7 (a) *REQUIREMENT; EXCEPTION.*—*Subsection (a)(1) of*
8 *section 1142 of title 10, United States Code, is amended—*

9 (1) *in the first sentence—*

10 (A) *by striking “Within” and inserting*
11 *“(A) Within”; and*

12 (B) *by striking “of each member” and all*
13 *that follows through the period at the end of the*
14 *sentence and inserting the following: “of—*

15 *“(i) each member of the armed forces whose dis-*
16 *charge or release from active duty is anticipated as*
17 *of a specific date; and*

18 *“(ii) each member of a reserve component not*
19 *covered by clause (i) whose discharge or release from*
20 *service is anticipated as of a specific date.”; and*

21 (2) *in the second sentence, by striking “A nota-*
22 *tion of the provision of such counseling” and insert-*
23 *ing the following:*

24 *“(B) A notation of the provision of preseparation*
25 *counseling”.*

1 (b) *CLARIFICATION OF COVERED MATTERS.*—Sub-
2 section (b)(7) of such section is amended by striking “from
3 active duty”.

4 **SEC. 512. MILITARY CORRECTION BOARD REMEDIES FOR**
5 **NATIONAL GUARD MEMBERS.**

6 Subsection (a) of section 1552 of title 10, United States
7 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 Sec-
12 retary”; and

13 (2) by adding at the end the following new para-
14 graph:

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); and
2 (2) by redesignating paragraph (4) as para-
3 graph (2).

4 **SEC. 514. ASSIGNMENT OF AIR FORCE RESERVE MILITARY**
5 **TECHNICIANS (DUAL STATUS) TO POSITIONS**
6 **OUTSIDE AIR FORCE RESERVE UNIT PRO-**
7 **GRAM.**

8 Section 10216(d) of title 10, United States Code, is
9 amended by adding at the end the following new paragraph:
10 “(3) Paragraph (1) does not apply to a military tech-
11 nician (dual status) who is employed by the Air Force Re-
12 serve in an area other than the Air Force Reserve unit pro-
13 gram, except that not more than 50 of such technicians may
14 be assigned outside of the unit program at the same time.”.

15 **SEC. 515. TEMPORARY AUTHORITY FOR TEMPORARY EM-**
16 **PLOYMENT OF NON-DUAL STATUS MILITARY**
17 **TECHNICIANS.**

18 Section 10217 of title 10, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) by striking “or” at the end of para-
22 graph (1);

23 (B) by striking the period at the end of
24 paragraph (2) and inserting “; or” ; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(3) is hired as a temporary employee pursuant
4 to the exception for temporary employment provided
5 by subsection (d) and subject to the terms and condi-
6 tions of such subsection.”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(d) *EXCEPTION FOR TEMPORARY EMPLOYMENT.*—(1)
10 Notwithstanding section 10218 of this title, the Secretary
11 of the Army or the Secretary of the Air Force may employ,
12 for a period not to exceed two years, a person to fill a va-
13 cancy created by the mobilization of a military technician
14 (dual status) occupying a position under section 10216 of
15 this title.

16 “(2) The duration of the temporary employment of a
17 person in a military technician position under this sub-
18 section may not exceed the shorter of the following:

19 “(A) The period of mobilization of the military
20 technician (dual status) whose vacancy is being filled
21 by the temporary employee.

22 “(B) Two years.

23 “(3) No persons may be hired under the authority of
24 this subsection after the end of the two-year period begin-
25 ning on the date of the enactment of this subsection.”.

1 **SEC. 516. REVISED STRUCTURE AND FUNCTIONS OF RE-**
2 **SERVE FORCES POLICY BOARD.**

3 (a) *REVISED STRUCTURE AND FUNCTIONS.*—Section
4 10301 of title 10, United States Code, is amended to read
5 as follows:

6 **“§ 10301. Reserve Forces Policy Board**

7 “(a) *FUNCTIONS.*—As provided in section 175 of this
8 title, there is in the Office of the Secretary of Defense a
9 Reserve Forces Policy Board. The Board shall serve as an
10 independent adviser to the Secretary of Defense to provide
11 advice and recommendations to the Secretary on strategies,
12 policies, and practices designed to improve and enhance the
13 capabilities, efficiency, and effectiveness of the reserve com-
14 ponents. The Board shall report directly to the Secretary
15 to provide independent advice and recommendations to the
16 Secretary on matters relating to the and reserve compo-
17 nents.

18 “(b) *MEMBERSHIP.*—The Board consists of 20 mem-
19 bers, appointed or designated as follows:

20 “(1) A civilian chairman appointed by the Sec-
21 retary of Defense, who shall be a person who the Sec-
22 retary determines has the knowledge of, and experi-
23 ence in, policy matters relevant to national security
24 and reserve component matters required to carry out
25 the duties of chairman.

1 “(2) *Two reserve general officers designated by*
2 *the Secretary of Defense upon the recommendation of*
3 *the Secretary of the Army, one of whom shall be a*
4 *member of the Army National Guard of the United*
5 *States and one of whom shall be a member of the*
6 *Army Reserve.*

7 “(3) *Two reserve officers designated by the Sec-*
8 *retary of Defense upon the recommendation of the*
9 *Secretary of the Navy, one of whom shall be a Navy*
10 *Reserve flag officer and one of whom shall be a Ma-*
11 *rine Corps Reserve general officer.*

12 “(4) *Two reserve general officers designated by*
13 *the Secretary of Defense upon the recommendation of*
14 *the Secretary of the Air Force, one of whom shall be*
15 *a member of the Air National Guard of the United*
16 *States and one of whom shall be a member of the Air*
17 *Force Reserve.*

18 “(5) *One Coast Guard flag officer designated by*
19 *the Secretary of Homeland Security when the Coast*
20 *Guard is not operating as a service within the De-*
21 *partment of the Navy, or designated by the Secretary*
22 *of Defense, upon the recommendation of the Secretary*
23 *of the Navy, when the Coast Guard is operating as*
24 *a service in the Navy under section 3 of title 14.*

1 “(6) *Ten persons appointed or designated by the*
2 *Secretary of Defense, each of whom shall be a United*
3 *States citizen and have significant knowledge of and*
4 *experience in policy matters relevant to national secu-*
5 *rity and reserve component matters and shall be one*
6 *of the following:*

7 “(A) *An individual not employed in any*
8 *Federal or State department or agency.*

9 “(B) *An individual employed by a Federal*
10 *or State department or agency.*

11 “(C) *An officer of a regular component on*
12 *active duty, or an officer of a reserve component*
13 *in an active status, who has served or is serving*
14 *in a senior position on the Joint Staff, a com-*
15 *batant command headquarters staff, or a service*
16 *headquarters staff.*

17 “(7) *A reserve officer of the Army, Navy, Air*
18 *Force, or Marine Corps who is a general or flag offi-*
19 *cer recommended by the chairman and designated by*
20 *the Secretary of Defense, who shall serve without*
21 *vote—*

22 “(A) *as military adviser to the chairman;*

23 “(B) *as military executive officer of the*
24 *Board; and*

1 “(C) *as supervisor of the Board operations*
2 *and staff.*

3 “(8) *A senior enlisted member of a reserve com-*
4 *ponent recommended by the chairman and appointed*
5 *by the Secretary of Defense, who shall serve without*
6 *vote as enlisted military adviser to the chairman.*

7 “(c) *INDEPENDENT ADVICE.—In the case of a member*
8 *of the Board who is an officer or employee of the Depart-*
9 *ment of Defense or a member of the armed forces, the advice*
10 *provided in that member’s capacity as a member of the*
11 *Board shall be rendered independently of the Board mem-*
12 *ber’s other duties as an officer or employee of the Depart-*
13 *ment of Defense or member of the armed forces.*

14 “(d) *MATTERS TO BE ACTED ON.—The Board shall*
15 *act on those matters referred to it by the chairman and*
16 *on any matter raised by a member of the Board.*

17 “(e) *STAFF.—The Board shall be supported by a staff*
18 *consisting of one full-time officer from each of the reserve*
19 *components listed in paragraphs (1) through (6) of section*
20 *10101 of this title who holds the grade of colonel, or in the*
21 *case of the Navy the grade of captain, or who has been se-*
22 *lected for promotion to that grade. These officers shall also*
23 *serve as liaisons between their respective components and*
24 *the Board. They shall perform their staff and liaison duties*
25 *under the supervision of the military executive in an inde-*

1 *pendent manner reflecting the independent nature of the*
2 *Board.*

3 “(f) *RELATIONSHIP TO SERVICE RESERVE POLICY*
4 *COMMITTEES AND BOARDS.*—*This section does not affect*
5 *the committees and boards prescribed within the military*
6 *departments by sections 10302 through 10305 of this title,*
7 *and a member of such a committee or board may, if other-*
8 *wise eligible, be a member of the Board.”.*

9 (b) *BOARD MEMBERSHIP TRANSITION PROVISION.*—
10 *The members of the Reserve Forces Policy Board as of the*
11 *date of the enactment of this Act shall continue to serve*
12 *on the Board in accordance with their respective terms of*
13 *service as of such date, and except to ensure that the posi-*
14 *tions of chairman and military executive of the Board con-*
15 *tinue to be filled, and to ensure that the reserve components*
16 *listed in paragraphs (1) through (7) of section 10101 of title*
17 *10, United States Code, continue to have representation, no*
18 *appointment or designation of a member of the Board may*
19 *be made after such date until the number of voting members*
20 *of the Board is fewer than 18. Once the number of voting*
21 *members is fewer than 18, vacancies in the Board member-*
22 *ship shall be filled in accordance with section 10301 of title*
23 *10, United States Code, as amended by subsection (a).*

24 (c) *REVISION TO ANNUAL REPORT REQUIREMENT.*—
25 *Section 113(c)(2) of title 10, United States Code, is amend-*

1 *ed by striking “the reserve programs of the Department of*
2 *Defense and on any other matters” and inserting “any re-*
3 *serve component matter”.*

4 **SEC. 517. MERIT SYSTEMS PROTECTION BOARD AND JUDI-**
5 **CIAL REMEDIES FOR NATIONAL GUARD TECH-**
6 **NICIANS.**

7 *(a) ELIMINATION OF RESTRICTED RIGHT OF AP-*
8 *PEAL.—*

9 *(1) CURRENT RESTRICTION TO ADJUTANT GEN-*
10 *ERAL.—Subsection (f) of section 709 of title 32,*
11 *United States Code, is amended by striking para-*
12 *graph (4).*

13 *(2) STYLISTIC AND CONFORMING AMEND-*
14 *MENTS.—Such subsection is further amended—*

15 *(A) by striking the material preceding*
16 *paragraph (1);*

17 *(B) by capitalizing the first word in para-*
18 *graphs (1), (2), (3), and (5);*

19 *(C) by striking the semicolon at the end of*
20 *paragraphs (1), (2), and (3) and inserting a pe-*
21 *riod;*

22 *(D) by redesignating paragraph (5) as*
23 *paragraph (4); and*

24 *(E) by adding at the end the following new*
25 *paragraph:*

1 “(5) *This subsection shall be carried out under*
2 *regulations prescribed by the Secretary concerned.*”.

3 **(b) APPLICATION OF CERTAIN TITLE 5 PROVISIONS.—**
4 *Section 709(g) of title 32, United States Code, is amended*
5 *by striking “Sections 2108, 3502, 7511, and 7512” and in-*
6 *serting “Section 2108”.*

7 **(c) APPLICATION OF ADVERSE ACTIONS SUB-**
8 **CHAPTER.—***Section 7511(b) of title 5, United States Code,*
9 *is amended—*

10 (1) *by striking paragraph (5); and*

11 (2) *by redesignating paragraphs (6) through (10)*
12 *as paragraphs (5) through (9), respectively.*

13 ***Subtitle C—Joint Qualified Officers***
14 ***and Requirements***

15 ***SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT***
16 ***MATTERS FOR PURPOSES OF JOINT OFFICER***
17 ***MANAGEMENT.***

18 *Section 668(a) of title 10, United States Code, is*
19 *amended—*

20 (1) *in paragraph (1)—*

21 (A) *by striking “multiple” in the matter*
22 *preceding subparagraph (A) and inserting “inte-*
23 *grated”;* and

24 (B) *by striking “and” at the end of the sub-*
25 *paragraph (D) and inserting “or”;* and

1 (2) *by striking paragraph (2) and inserting the*
2 *following new paragraph:*

3 “(2) *In the context of joint matters, the term ‘inte-*
4 *grated military forces’ refers to military forces that are in-*
5 *volved in the planning or execution (or both) of operations*
6 *involving participants from—*

7 “(A) *more than one military department; or*

8 “(B) *a military department and one or more of*
9 *the following:*

10 “(i) *Other departments and agencies of the*
11 *United States.*

12 “(ii) *The military forces or agencies of other*
13 *countries.*

14 “(iii) *Non-governmental persons or enti-*
15 *ties.”.*

16 **SEC. 522. CHANGES TO PROCESS INVOLVING PROMOTION**
17 **BOARDS FOR JOINT QUALIFIED OFFICERS**
18 **AND OFFICERS WITH JOINT STAFF EXPERI-**
19 **ENCE.**

20 (a) *BOARD COMPOSITION.—Subsection (c) of section*
21 *612 of title 10, United States Code, is amended to read as*
22 *follows:*

23 “(c)(1) *Each selection board convened under section*
24 *611(a) of this title that will consider an officer described*
25 *in paragraph (2) shall include at least one officer des-*

1 *ignated by the Chairman of the Joint Chiefs of Staff who*
2 *is a joint qualified officer.*

3 “(2) *Paragraph (1) applies with respect to an officer*
4 *who—*

5 “(A) *is serving in, or has served in, a joint duty*
6 *assignment;*

7 “(B) *is serving on, or has served on, the Joint*
8 *Staff; or*

9 “(C) *is a joint qualified officer.*

10 “(3) *The Secretary of Defense may waive the require-*
11 *ment in paragraph (1) in the case of—*

12 “(A) *any selection board of the Marine Corps; or*

13 “(B) *any selection board that is considering offi-*
14 *cers in specialties identified in paragraph (2) or (3)*
15 *of section 619a(b) of this title.”.*

16 (b) *INFORMATION FURNISHED TO SELECTION*
17 *BOARDS.—Section 615 of such title is amended by striking*
18 *“in joint duty assignments of officers who are serving, or*
19 *have served, in such assignments” in subsections (b)(5) and*
20 *(c) and inserting “of officers who are serving on, or have*
21 *served on, the Joint Staff or are joint qualified officers”.*

22 (c) *ACTION ON REPORT OF SELECTION BOARDS.—Sec-*
23 *tion 618(b) of such title is amended—*

24 (1) *in paragraph (1), by striking “are serving,*
25 *or have served, in joint duty assignments” and insert-*

1 *ing “are serving on, or have served on, the Joint Staff*
2 *or are joint qualified officers”;*

3 *(2) in subparagraphs (A) and (B) of paragraph*
4 *(2), by striking “in joint duty assignments of officers*
5 *who are serving, or have served, in such assignments”*
6 *and inserting “of officers who are serving on, or have*
7 *served on, the Joint Staff or are joint qualified offi-*
8 *cers”;* *and*

9 *(3) in paragraph (4), by striking “in joint duty*
10 *assignments” and inserting “who are serving on, or*
11 *have served on, the Joint Staff or are joint qualified*
12 *officers”.*

13 ***Subtitle D—General Service***
14 ***Authorities***

15 ***SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO***
16 ***ORDER RETIRED MEMBERS OF THE ARMED***
17 ***FORCES TO ACTIVE DUTY IN HIGH-DEMAND,***
18 ***LOW-DENSITY ASSIGNMENTS.***

19 *(a) EXTENSION OF AUTHORITY.—Section 688a(f) of*
20 *title 10, United States Code, is amended by striking “De-*
21 *cember 31, 2010” and inserting “December 31, 2012”.*

22 *(b) REPORT REQUIRED.—Not later than April 1,*
23 *2011, the Secretary of Defense shall submit to the Commit-*
24 *tees on Armed Services of the Senate and the House of Rep-*
25 *resentatives a report containing an assessment by the Sec-*

1 *retary of the need to extend the authority provided by sec-*
2 *tion 688a of title 10, United States Code, beyond December*
3 *31, 2012. The report shall include, at a minimum, the fol-*
4 *lowing:*

5 (1) *A list of the current types of high-demand,*
6 *low-density capabilities (as defined in such section)*
7 *for which the authority is being used to address oper-*
8 *ational requirements.*

9 (2) *For each high-demand, low-density capa-*
10 *bility included in the list under paragraph (1), the*
11 *number of retired members of the Armed Forces who*
12 *have served on active duty at any time during each*
13 *of fiscal years 2007 through 2010 under the authority.*

14 (3) *A plan to increase the required active duty*
15 *strength for the high-demand, low-density capabilities*
16 *included in the list under paragraph (1) to eliminate*
17 *the need to use the authority.*

18 **SEC. 532. CORRECTION OF MILITARY RECORDS.**

19 (a) *IMPROVED DOCUMENTATION OF CORRECTION*
20 *BOARD DECISIONS.—Section 1552(a)(3) of title 10, United*
21 *States Code, is amended—*

22 (1) *by inserting “(A)” after “(3)”;* and

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

1 “(B) *In establishing correction procedures under sub-*
2 *paragraph (A), the Secretary of a military department*
3 *shall require that a board established under subsection*
4 *(a)(1) present its findings and conclusions in an orderly*
5 *and itemized fashion, with specific attention given to each*
6 *issue presented by the claimant (or heir or representative)*
7 *who requested the correction. This requirement applies to*
8 *a request for correction received after the date of the enact-*
9 *ment of this subparagraph, both during initial consider-*
10 *ation of the request and upon subsequent consideration due*
11 *to appeal or other circumstances.”.*

12 (b) *IMPROVED DOCUMENTATION OF REVIEW BOARD*
13 *DECISIONS REGARDING DISCHARGE OR DISMISSAL.—Sec-*
14 *tion 1553(b) of such title is amended—*

15 (1) *by inserting “(1)” after “(b)”;* and

16 (2) *by adding at the end the following new para-*
17 *graph:*

18 “(2) *In establishing review procedures for use by a*
19 *board established under this section, the Secretary of a mili-*
20 *tary department shall require that the board present its*
21 *findings and conclusions in an orderly and itemized fash-*
22 *ion, with specific attention given to each issue presented*
23 *by the person who requested the review. This requirement*
24 *applies to a request for review received after the date of*
25 *the enactment of this paragraph, both during initial consid-*

1 *eration of the request and upon subsequent consideration*
2 *due to appeal or other circumstances.”.*

3 *(c) BOARDS REVIEWING RETIREMENT OR SEPARATION*
4 *WITHOUT PAY FOR PHYSICAL DISABILITY.—*

5 *(1) MEMBERS ELIGIBLE TO REQUEST REVIEW.—*

6 *Subsection (a) of section 1554 of such title is amend-*
7 *ed—*

8 *(A) by striking “an officer” and inserting*
9 *“a member or former member of the uniformed*
10 *services”; and*

11 *(B) by striking “his case” and inserting*
12 *“the member’s case”.*

13 *(2) IMPROVED DOCUMENTATION OF BOARD DECI-*
14 *SIONS.—Subsection (b) of such section is amended—*

15 *(A) by inserting “(1)” after “(b)”;* and

16 *(B) by adding at the end the following new*
17 *paragraph:*

18 *“(2) In establishing review procedures for use by a*
19 *board established under this section, the Secretary of a mili-*
20 *tary department shall require that the board present its*
21 *findings and conclusions in an orderly and itemized fash-*
22 *ion, with specific attention given to each issue presented*
23 *by the person who requested the review. This requirement*
24 *applies to a request for review received after the date of*
25 *the enactment of this paragraph, both during initial consid-*

1 *eration of the request and upon subsequent consideration*
2 *due to appeal or other circumstances.”.*

3 *(d) LIMITATION ON REDUCTION IN PERSONNEL AS-*
4 *SIGNED TO DUTY WITH SERVICE REVIEW AGENCY.—*
5 *1559(a) of such title is amended by striking “December 31,*
6 *2010” and inserting “December 31, 2013”.*

7 **SEC. 533. MODIFICATION OF CERTIFICATE OF RELEASE OR**
8 **DISCHARGE FROM ACTIVE DUTY (DD FORM**
9 **214) TO SPECIFICALLY IDENTIFY A SPACE FOR**
10 **INCLUSION OF EMAIL ADDRESS.**

11 *The Secretary of Defense shall modify the Certificate*
12 *of Release or Discharge from Active Duty (DD Form 214)*
13 *to include a new Block, 19c., titled “**ELECTRONIC MAIL-***
14 ***ING (E-MAIL) ADDRESS AFTER SEPARATION”** in order*
15 *to permit a member of the Armed Forces to include an*
16 *email address at which the member may be reached after*
17 *the member’s discharge or release.*

18 **SEC. 534. RECOGNITION OF ROLE OF FEMALE MEMBERS OF**
19 **THE ARMED FORCES AND DEPARTMENT OF**
20 **DEFENSE REVIEW OF MILITARY OCCUPA-**
21 **TIONAL SPECIALTIES AVAILABLE TO FEMALE**
22 **MEMBERS.**

23 *(a) FINDINGS.—Congress make the following findings:*
24 *(1) Women are and have historically been an im-*
25 *port part of all United States war efforts, voluntarily*

1 *serving in every military conflict in United States*
2 *history, including the Revolutionary War.*

3 (2) *Approximately 34,000 women served in the*
4 *Armed Forces in World War I, approximately*
5 *400,000 served in World War II, approximately*
6 *120,000 served in the Korean War, over 7,000 served*
7 *in the Vietnam War, and more than 41,000 served in*
8 *the first Gulf War.*

9 (3) *Over 350,000 women serving in the Armed*
10 *Forces make up approximate 15 percent of all active*
11 *duty personnel, 15 percent of Reserves, and 17 per-*
12 *cent of the National Guard.*

13 (4) *Over 225,349 women have served in Oper-*
14 *ation Iraqi Freedom or Operation Enduring Freedom*
15 *as members of the Armed Forces.*

16 (5) *At least 120 female members of the Armed*
17 *Forces have been killed in Iraq or Afghanistan , and,*
18 *of the women killed, 66 were killed in combat.*

19 (6) *The nature of war has changed in Iraq and*
20 *Afghanistan, and, despite the prohibition on female*
21 *members of the Armed Forces serving in combat, so*
22 *has the role of female members of the Armed Forces.*

23 **(b) OFFICIAL RECOGNITION.—Congress—**

1 (1) *honors women who have served, and women*
2 *who are currently serving, as members of the Armed*
3 *Forces; and*

4 (2) *encourages all people in the United States to*
5 *recognize the service and achievements of female mem-*
6 *bers of the Armed Forces and female veterans.*

7 (c) *REVIEWS REQUIRED.—*

8 (1) *REVIEWS; ELEMENTS.—The Secretary of De-*
9 *fense shall conduct a review of military occupational*
10 *positions available to female members of the Armed*
11 *Forces for the purpose of ensuring that female mem-*
12 *bers have the maximum opportunity to compete and*
13 *excel in the Armed Forces. The Secretary of Defense,*
14 *in coordination with the Secretaries of the military*
15 *departments, also shall review the collocation policy*
16 *and other policies and regulations that restrict the*
17 *service of female members to determine whether*
18 *changes are needed, including legislative change, if*
19 *necessary, to enhance the ability of women to serve in*
20 *the Armed Forces.*

21 (2) *SUBMISSION OF RESULTS.—Not later than*
22 *February 1, 2011, the Secretary of Defense shall sub-*
23 *mit to the congressional defense committee a report*
24 *containing the results of the reviews.*

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 amended*
7 *by adding at the end the following new subsection:*

8 “(f) *A warrant officer subject to discharge or retire-*
9 *ment under this section, but against whom any action has*
10 *been commenced with a view to trying the officer by court-*
11 *martial, may be continued on active duty, without preju-*
12 *dice to such action, until the completion of such action.”.*

13 ***SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN***
14 ***MILITARY JUSTICE PROCEEDINGS.***

15 *(a) IN GENERAL.—Section 848 of title 10, United*
16 *States Code (article 48 of the Uniform Code of Military Jus-*
17 *tice), is amended to read as follows:*

18 ***“§ 848. Art. 48. Contempts***

19 “(a) *AUTHORITY TO PUNISH CONTEMPT.—A military*
20 *judge detailed to a court-martial, a court of inquiry, the*
21 *Court of Appeals for the Armed Forces, a Court of Criminal*
22 *Appeals, a provost court, or a military commission (other*
23 *than a military commission established under chapter 47A*
24 *of this title) may punish for contempt any person who—*

1 “(1) uses any menacing word, sign, or gesture in
2 the presence of the military judge during the pro-
3 ceedings of the court-martial, court, or military com-
4 mission;

5 “(2) disturbs the proceedings of the court-mar-
6 tial, court, or military commission by any riot or
7 disorder; or

8 “(3) willfully disobeys its lawful writ, process,
9 order, rule, decree, or command.

10 “(b) *PUNISHMENT*.—A person punished for contempt
11 under this section may be confined for not more than 30
12 days, fined in an amount of not more than \$1,000, or
13 both.”.

14 (b) *EFFECTIVE DATE*.—Section 848 of title 10, United
15 States Code (article 48 of the Uniform Code of Military Jus-
16 tice), as amended by subsection (a), shall apply with respect
17 to acts of contempt committed after the date of the enact-
18 ment 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 the
8 following new section:

9 **“§ 1034a. Criminal investigative report or index main-**
10 **tained for law enforcement retrieval and**
11 **analysis: limitations on use in personnel**
12 **actions**

13 *“(a) PROHIBITION ON USE IN PERSONNEL ACTIONS.*—
14 *Except as provided in subsection (b), information relating*
15 *to the titling or indexing of a member of the armed forces*
16 *contained in any criminal investigative report prepared by*
17 *any entity of the Department of Defense or index main-*
18 *tained by any entity of the Department of Defense for the*
19 *purpose of potential retrieval and analysis by Department*
20 *law enforcement organizations may not be used in connec-*
21 *tion with any personnel action involving the member.*

22 *“(b) AUTHORIZED EXCEPTIONS.*—*The prohibition in*
23 *subsection (a) does not preclude the use of information re-*
24 *lating to the titling or indexing of a member—*

25 *“(1) in connection with law enforcement activi-*
26 *ties;*

1 “(2) *in a judicial or administrative action in-*
2 *volving the member regarding the alleged offense ref-*
3 *erenced in the criminal investigative report or index;*
4 *or*

5 “(3) *in a personnel action if—*

6 “(A) *the member has been adjudged guilty*
7 *of the alleged offense referenced in the criminal*
8 *investigative report or index by military non-ju-*
9 *dicial or judicial proceedings or by civilian judi-*
10 *cial proceedings;*

11 “(B) *a record of the proceedings is presented*
12 *in connection with the personnel action; and*

13 “(C) *the member is provided the oppor-*
14 *tunity to present additional information in re-*
15 *sponse to the record of the proceedings.*

16 “(c) *DEFINITIONS.—In this section:*

17 “(1) *INDEXING.—The term ‘indexing’ refers to*
18 *the procedure whereby a Department of Defense*
19 *criminal investigative agency submits identifying in-*
20 *formation concerning subjects, victims, or incidentals*
21 *of investigations for addition to the Defense Clearance*
22 *and Investigations Index.*

23 “(2) *TITLING.—The term ‘titling’ refers to the*
24 *process by which a Department of Defense criminal*
25 *investigative agency places the name of a person in*

1 *is filed while the servicemember is deployed in support of*
2 *a contingency operation, no court may enter an order modi-*
3 *fying or amending any previous judgment or order, or issue*
4 *a new order, that changes the custody arrangement for that*
5 *child that existed as of the date of the deployment of the*
6 *servicemember, except that a court may enter a temporary*
7 *custody order if the court finds that it is in the best interest*
8 *of the child.*

9 “(b) *COMPLETION OF DEPLOYMENT.*—*In any pre-*
10 *ceding covered under subsection (a), a court shall require*
11 *that, upon the return of the servicemember from deployment*
12 *in support of a contingency operation, the custody order*
13 *that was in effect immediately preceding the date of the de-*
14 *ployment of the servicemember is reinstated, unless the*
15 *court finds that such a reinstatement is not in the best in-*
16 *terest of the child, except that any such finding shall be*
17 *subject to subsection (c).*

18 “(c) *EXCLUSION OF MILITARY SERVICE FROM DETER-*
19 *MINATION OF CHILD’S BEST INTEREST.*—*If a motion for*
20 *the change of custody of the child of a servicemember is filed,*
21 *no court may consider the absence of the servicemember by*
22 *reason of deployment, or possibility of deployment, in deter-*
23 *mining the best interest of the child.*

24 “(d) *NO FEDERAL RIGHT OF ACTION.*—*Nothing in*
25 *this section shall create a Federal right of action.*

1 “(e) *PREEMPTION.*— *In any case where State or Fed-*
2 *eral law applicable to a child custody proceeding under*
3 *State or Federal law provides a higher standard of protec-*
4 *tion to the rights of the parent who is a servicemember than*
5 *the rights provided under this section, the State or Federal*
6 *court shall apply the State or Federal standard.*

7 “(f) *CONTINGENCY OPERATION DEFINED.*—*In this sec-*
8 *tion, the term ‘contingency operation’ has the meaning*
9 *given that term in section 101(a)(13) of title 10, United*
10 *States Code, except that the term may include such other*
11 *deployments as the Secretary may prescribe.”.*

12 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
13 *section 1(b) of such Act is amended by adding at the end*
14 *of the items relating to title II the following new item:*

 “208. *Child custody protection.*”.

15 **SEC. 545. IMPROVEMENTS TO DEPARTMENT OF DEFENSE**
16 **DOMESTIC VIOLENCE PROGRAMS.**

17 “(a) *IMMEDIATE ACTIONS REQUIRED.*—

18 (1) *ENTRY OF DATA INTO LAW ENFORCEMENT*
19 *SYSTEMS.*—*The Secretary of Defense shall ensure that*
20 *all command actions related to domestic violence inci-*
21 *dents involving members of the Army, Navy, Air*
22 *Force, or Marine Corps are entered into all Depart-*
23 *ment of Defense law enforcement systems.*

24 (2) *ISSUANCE OF FAMILY ADVOCACY PROGRAM*
25 *GUIDANCE.*—*The Secretary of Defense shall issue De-*

1 *partment of Defense Family Advocacy Program guid-*
2 *ance.*

3 (b) *IMPLEMENTATION OF OUTSTANDING COMP-*
4 *TROLLER GENERAL RECOMMENDATIONS.—Consistent with*
5 *the recommendations contained in the report of the Comp-*
6 *troller General of the United States titled “Status of Imple-*
7 *mentation of GAO’s 2006 Recommendations on the Depart-*
8 *ment of Defense’s Domestic Violence Program” (GAO-10-*
9 *577R), the Secretary of Defense shall complete, not later*
10 *than one year after the date of enactment of this Act, imple-*
11 *mentation of actions to address the following recommenda-*
12 *tions:*

13 (1) *DEFENSE INCIDENT-BASED REPORTING SYS-*
14 *TEM.—The Secretary of Defense shall develop a com-*
15 *prehensive management plan to address deficiencies*
16 *in the data captured in the Defense Incident-Based*
17 *Reporting System to ensure the system can provide*
18 *an accurate count of the domestic violence incidents*
19 *that are reported throughout the Department of De-*
20 *fense.*

21 (2) *ADEQUATE PERSONNEL.—The Secretary of*
22 *Defense shall develop a plan to ensure that adequate*
23 *personnel are available to implement recommenda-*
24 *tions made by the Defense Task Force on Domestic*
25 *Violence.*

1 *Related to Fort Hood and the attack there on November*
2 *5, 2009.*

3 *(b) MATERIAL SUBJECT TO RELEASE; EXCEPTION.—*

4 *The restricted annex referred to in subsection (a) is the doc-*
5 *ument described on page 9 of the January 2010 Department*
6 *of Defense Report of the Independent Review Related to*
7 *Fort Hood, which provided the detailed findings, rec-*
8 *ommendations, and complete supporting discussions of the*
9 *Independent Review pertaining to the oversight of the al-*
10 *leged perpetrator of the November 2009 attack. No part of*
11 *the restricted annex shall be exempted from public release,*
12 *except—*

13 *(1) materials that the Secretary of Defense deter-*
14 *mines may imperil, if disclosed, any criminal inves-*
15 *tigation or prosecution related to the attack; and*

16 *(2) in accordance with section 1102 of title 10,*
17 *United States Code, the memorandum summarizing*
18 *the results of the medical quality assurance records*
19 *relating to the care provided patients by the alleged*
20 *perpetrator of the attack.*

1 ***Subtitle F—Member Education and***
2 ***Training Opportunities and Ad-***
3 ***ministration***

4 ***SEC. 551. REPAYMENT OF EDUCATION LOAN REPAYMENT***
5 ***BENEFITS.***

6 *(a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECI-*
7 *FIED MILITARY SPECIALTIES.—Section 2171 of title 10,*
8 *United States Code, is amended by adding at the end the*
9 *following new subsections:*

10 *“(g) Except a person described in subsection (e) who*
11 *transfers to service making the person eligible for repay-*
12 *ment of loans under section 16301 of this title, a member*
13 *of the armed forces who fails to complete the period of serv-*
14 *ice required to qualify for loan repayment under this sec-*
15 *tion shall be subject to the repayment provisions of section*
16 *303a(e) of title 37.*

17 *“(h) The Secretary of Defense may prescribe, by regu-*
18 *lations, procedures for implementing this section, including*
19 *standards for qualified loans and authorized payees and*
20 *other terms and conditions for making loan repayments.*
21 *Such regulations may include exceptions that would allow*
22 *for the payment as a lump sum of any loan repayment*
23 *due to a member under a written agreement that existed*
24 *at the time of a member’s death or disability.”.*

1 (b) *MEMBERS OF SELECTED RESERVE.*—Section
2 *16301 of such title is amended by adding at the end the*
3 *following new subsections:*

4 “(h) *Except a person described in subsection (e) who*
5 *transfers to service making the person eligible for repay-*
6 *ment of loans under section 2171 of this title, a member*
7 *of the armed forces who fails to complete the period of serv-*
8 *ice required to qualify for loan repayment under this sec-*
9 *tion shall be subject to the repayment provisions of section*
10 *303a(e) of title 37.*

11 “(i) *The Secretary of Defense may prescribe, by regula-*
12 *tions, procedures for implementing this section, including*
13 *standards for qualified loans and authorized payees and*
14 *other terms and conditions for making loan repayments.*
15 *Such regulations may include exceptions that would allow*
16 *for the payment as a lump sum of any loan repayment*
17 *due to a member under a written agreement that existed*
18 *at the time of a member’s death or disability.”.*

19 **SEC. 552. ACTIVE DUTY OBLIGATION FOR GRADUATES OF**
20 **THE MILITARY SERVICE ACADEMIES PARTICI-**
21 **PATING IN THE ARMED FORCES HEALTH PRO-**
22 **FESSIONS SCHOLARSHIP AND FINANCIAL AS-**
23 **SISTANCE PROGRAM.**

24 (a) *UNITED STATES MILITARY ACADEMY GRAD-*
25 *UATES.*—Section 4348(a) of title 10, United States Code,

1 *is amended by adding at the end the following new para-*
2 *graph:*

3 “(4) *That if an appointment described in para-*
4 *graph (2) or (3) is tendered and the cadet partici-*
5 *pates in the Armed Forces Health Professions Schol-*
6 *arship and Financial Assistance program under sub-*
7 *chapter I of chapter 105 of this title, the cadet will*
8 *fulfill any unserved obligation incurred under this*
9 *section on active duty, regardless of the type of ap-*
10 *pointment held, upon completion of, and in addition*
11 *to, any service obligation incurred under section 2123*
12 *of this title for participation in the program.”.*

13 **(b) UNITED STATES NAVAL ACADEMY GRADUATES.—**
14 *Section 6959(a) of such title is amended by adding at the*
15 *end the following new paragraph:*

16 “(4) *That if an appointment described in para-*
17 *graph (2) or (3) is tendered and the midshipman par-*
18 *ticipates in the Armed Forces Health Professions*
19 *Scholarship and Financial Assistance program under*
20 *subchapter I of chapter 105 of this title, the mid-*
21 *shipman will fulfill any unserved obligation incurred*
22 *under this section on active duty, regardless of the*
23 *type of appointment held, upon completion of, and in*
24 *addition to, any service obligation incurred under*

1 *section 2123 of this title for participation in the pro-*
2 *gram.”.*

3 (c) *UNITED STATES AIR FORCE ACADEMY GRAD-*
4 *UATES.—Section 9348(a) of such title is amended by add-*
5 *ing at the end the following new paragraph:*

6 *“(4) That if an appointment described in para-*
7 *graph (2) or (3) is tendered and the cadet partici-*
8 *pates in the Armed Forces Health Professions Schol-*
9 *arship and Financial Assistance program under sub-*
10 *chapter I of chapter 105 of this title, the cadet will*
11 *fulfill any unserved obligation incurred under this*
12 *section on active duty, regardless of the type of ap-*
13 *pointment held, upon completion of, and in addition*
14 *to, any service obligation incurred under section 2123*
15 *of this title for participation in the program.”.*

16 (d) *EFFECTIVE DATE.—The amendments made by this*
17 *section shall apply with respect to appointments to the*
18 *United States Military Academy, the United States Naval*
19 *Academy, and the United States Air Force Academy begin-*
20 *ning with the first class of candidates nominated for ap-*
21 *pointment to these military service academies after the date*
22 *of the enactment of this Act.*

1 **SEC. 553. WAIVER OF MAXIMUM AGE LIMITATION ON ADMIS-**
2 **SION TO SERVICE ACADEMIES FOR CERTAIN**
3 **ENLISTED MEMBERS WHO SERVED DURING**
4 **OPERATION IRAQI FREEDOM OR OPERATION**
5 **ENDURING FREEDOM.**

6 (a) *WAIVER AUTHORITY.*—*The Secretary of the mili-*
7 *tary department concerned may waive the maximum age*
8 *limitation specified in section 4346(a), 6958(a)(1), or*
9 *9346(a) of title 10, United States Code, for the admission*
10 *of an enlisted member of the Armed Forces to the United*
11 *States Military Academy, the United States Naval Acad-*
12 *emy, or the United States Air Force Academy, if the mem-*
13 *ber, otherwise satisfies the eligibility requirements for ad-*
14 *mission to that academy, and—*

15 (1) *as a result of service on active duty in a the-*
16 *ater of operations for Operation Iraqi Freedom or*
17 *Operation Enduring Freedom, was or is prevented*
18 *from being admitted to that academy before the mem-*
19 *ber reached the maximum age specified in such sec-*
20 *tions; or*

21 (2) *possesses an exceptional overall record that*
22 *the Secretary concerned determines sets the candidate*
23 *apart from all other candidates.*

24 (b) *LIMITATION OF WAIVER.*—

25 (1) *MAXIMUM AGE.*—*A waiver may not be grant-*
26 *ed under subsection (a) to a member of the Armed*

1 *Forces described in such subsection if the member*
2 *would pass the member's twenty-sixth birthday by*
3 *July 1 of the year in which the member would enter*
4 *the military service academy.*

5 (2) *MAXIMUM NUMBER.—No more than five*
6 *members of the Armed Forces may attend each of the*
7 *military service academies at any one time pursuant*
8 *to a waiver granted under subsection (a)(2).*

9 (c) *DURATION OF WAIVER AUTHORITY.—The author-*
10 *ity to grant a waiver under subsection (a) expires on Sep-*
11 *tember 30, 2015.*

12 **SEC. 554. REPORT OF FEASIBILITY AND COST OF EXPAND-**
13 **ING ENROLLMENT AUTHORITY OF COMMU-**
14 **NITY COLLEGE OF THE AIR FORCE TO IN-**
15 **CLUDE ADDITIONAL MEMBERS OF THE**
16 **ARMED FORCES.**

17 *Not later than 180 days after the date of the enactment*
18 *of this Act, the Secretary of Defense shall submit to Congress*
19 *a report, prepared in consultation with the Secretary of the*
20 *Air Force, evaluating the feasibility and cost of authorizing*
21 *enlisted members of the Army, Navy, Marine Corps and*
22 *Coast Guard to enroll in Community College of the Air*
23 *Force programs offered under section 9315 of title 10,*
24 *United States Code.*

1 ***Subtitle G—Defense Dependents’***
2 ***Education***

3 ***SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL***
4 ***EDUCATIONAL AGENCIES THAT BENEFIT DE-***
5 ***PENDENTS OF MEMBERS OF THE ARMED***
6 ***FORCES AND DEPARTMENT OF DEFENSE CI-***
7 ***VILIAN EMPLOYEES.***

8 (a) *ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*
9 *NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the*
10 *amount authorized to be appropriated for fiscal year 2011*
11 *pursuant to section 301(5) for operation and maintenance*
12 *for Defense-wide activities, \$50,000,000 shall be available*
13 *only for the purpose of providing assistance to local edu-*
14 *cational agencies under subsection (a) of section 572 of the*
15 *National Defense Authorization Act for Fiscal Year 2006*
16 *(Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).*

17 (b) *ASSISTANCE TO SCHOOLS WITH ENROLLMENT*
18 *CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE*
19 *CHANGES, OR FORCE RELOCATIONS.—Of the amount au-*
20 *thorized to be appropriated for fiscal year 2011 pursuant*
21 *to section 301(5) for operation and maintenance for De-*
22 *fense-wide activities, \$15,000,000 shall be available only for*
23 *the purpose of providing assistance to local educational*
24 *agencies under subsection (b) of such section 572.*

1 (c) *LOCAL EDUCATIONAL AGENCY DEFINED.*—*In this*
2 *section, the term “local educational agency” has the mean-*
3 *ing given that term in section 8013(9) of the Elementary*
4 *and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).*

5 **SEC. 562. ENROLLMENT OF DEPENDENTS OF MEMBERS OF**
6 **THE ARMED FORCES WHO RESIDE IN TEM-**
7 **PORARY HOUSING IN DEPARTMENT OF DE-**
8 **FENSE DOMESTIC DEPENDENT ELEMENTARY**
9 **AND SECONDARY SCHOOLS.**

10 Section 2164(a) of title 10, United States Code, is
11 amended by adding at the end the following new paragraph:

12 “(3)(A) *The Secretary may, at the discretion of the*
13 *Secretary, permit dependents of members of the armed*
14 *forces described in subparagraph (B) to enroll in an edu-*
15 *cational program provided by the Secretary pursuant to*
16 *this subsection without regard to the requirement in para-*
17 *graph (1) with respect to residence on a military installa-*
18 *tion.*

19 “(B) *Subparagraph (A) applies only if—*

20 “(i) *the dependents reside in temporary housing*
21 *(regardless of whether the temporary housing is on*
22 *Federal property) in lieu of permanent living quar-*
23 *ters on a military installation; and*

24 “(ii) *the Secretary determines that the cir-*
25 *cumstances of such living arrangements justify ex-*

1 *tending the enrollment authority to include such de-*
2 *pendents.*

3 *“(C) The Secretary shall prescribe regulations to en-*
4 *sure consistent application of this paragraph.”.*

5 ***Subtitle H—Decorations, Awards,***
6 ***and Commemorations***

7 ***SEC. 571. NOTIFICATION REQUIREMENT FOR DETERMINA-***
8 ***TION MADE IN RESPONSE TO REVIEW OF PRO-***
9 ***POSAL FOR AWARD OF A MEDAL OF HONOR***
10 ***NOT PREVIOUSLY SUBMITTED IN TIMELY***
11 ***FASHION.***

12 *Section 1130(b) of title 10, United States Code, is*
13 *amended—*

14 *(1) by inserting “(1)” after “(b)”;* and

15 *(2) by adding at the end the following new para-*
16 *graph:*

17 *“(2) If a determination under this section includes a*
18 *favorable recommendation for the award of the Medal of*
19 *Honor, submission of the detailed discussion of the rationale*
20 *supporting the determination shall be made through the*
21 *Secretary of Defense.”.*

1 **SEC. 572. DEPARTMENT OF DEFENSE RECOGNITION OF**
2 **SPOUSES OF MEMBERS OF THE ARMED**
3 **FORCES.**

4 (a) *ESTABLISHMENT AND PRESENTATION OF LAPEL*
5 *BUTTONS.*—Chapter 57 of title 10, United States Code, is
6 amended by inserting after section 1126 the following new
7 section:

8 **“§ 1126a. Spouse of combat veteran lapel button: eligi-**
9 **bility and presentation**

10 “(a) *DESIGN AND ELIGIBILITY.*—A lapel button, to be
11 known as the spouse-of-a-combat-veteran lapel button, shall
12 be designed, as approved by the Secretary of Defense, to
13 identify and recognize the spouse of a member of the armed
14 forces who is serving or has served in a combat zone for
15 a period of more than 30 days.

16 “(b) *PRESENTATION.*—The Secretary concerned may
17 authorize the use of appropriated funds to procure spouse-
18 of-a-combat-veteran lapel buttons and to provide for their
19 presentation to eligible spouses of members.

20 “(c) *EXCEPTION TO TIME PERIOD REQUIREMENT.*—
21 The 30-day periods specified in subsections (a) and (b) do
22 not apply if the member is killed or wounded in the combat
23 zone before the expiration the period.

24 “(d) *LICENSE TO MANUFACTURE AND SELL LAPEL*
25 *BUTTONS.*—Section 901(c) of title 36 shall apply with re-

1 *spect to the spouse-of-a-combat-veteran lapel button author-*
2 *ized by this section.*

3 “(e) *COMBAT ZONE DEFINED.*—*In this section, the*
4 *term ‘combat zone’ has the meaning given that term in sec-*
5 *tion 112(c)(2) of the Internal Revenue Code of 1986.*

6 “(f) *REGULATIONS.*—*The Secretary of Defense shall*
7 *issue such regulations as may be necessary to carry out this*
8 *section. The Secretary shall ensure that the regulations are*
9 *uniform for each armed force to the extent practicable.”.*

10 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
11 *the beginning of such chapter is amended by inserting after*
12 *the item relating to section 1126 the following new item:*

 “1126a. *Spouse-of-a-combat-veteran lapel button: eligibility and presentation.*”.

13 “(c) *IMPLEMENTATION.*—*It is the sense of Congress that,*
14 *as soon as practicable once the spouse-of-a-combat-veteran*
15 *lapel button become available, the Secretary of Defense—*

16 (1) *should widely announce the availability of*
17 *spouse-of-a-combat-veteran lapel buttons through mili-*
18 *tary and public information channels; and*

19 (2) *should encourage commanders at all levels to*
20 *conduct ceremonies recognizing the support provided*
21 *by spouses of members of the Armed Forces and to use*
22 *the ceremonies as an opportunity for members to*
23 *present their spouses with a spouse-of-a-combat-vet-*
24 *eran lapel button.*

1 **SEC. 573. DEPARTMENT OF DEFENSE RECOGNITION OF**
2 **CHILDREN OF MEMBERS OF THE ARMED**
3 **FORCES.**

4 (a) *ESTABLISHMENT AND PRESENTATION OF LAPEL*
5 *BUTTONS.*—Chapter 57 of title 10, United States Code, is
6 amended by inserting after section 1126a, as added by sec-
7 tion 572, the following new section:

8 **“§ 1126b. Children of members commemorative lapel**
9 **button: eligibility and presentation**

10 “(a) *DESIGN AND ELIGIBILITY.*—A lapel button, to be
11 known as the children of military service members com-
12 memorative lapel button, shall be designed, as approved by
13 the Secretary of Defense, to identify and recognize an eligi-
14 ble child dependent of a member of the armed forces who
15 serves on active duty for a period of more than 30 days.

16 “(b) *PRESENTATION.*—The Secretary concerned may
17 authorize the use of appropriated funds to procure children
18 of military service members commemorative lapel buttons
19 and to provide for their presentation to eligible child de-
20 pendants.

21 “(c) *LICENSE TO MANUFACTURE AND SELL LAPEL*
22 *BUTTONS.*—Section 901(c) of title 36 shall apply with re-
23 spect to the children of military service members commemo-
24 rative lapel button authorized by this section.

25 “(d) *ELIGIBLE CHILD DEPENDENT DEFINED.*—In this
26 section, the term ‘eligible child dependent’ means a depend-

1 *ent of a member of the armed forces described in subpara-*
2 *graph (D) or (I) of section 1072(2) of this title.*

3 “(e) *REGULATIONS.*—*The Secretary of Defense shall*
4 *issue such regulations as may be necessary to carry out this*
5 *section. The Secretary shall ensure that the regulations are*
6 *uniform for each armed force to the extent practicable.”.*

7 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
8 *the beginning of such chapter is amended by inserting after*
9 *the item relating to section 1126a the following new item:*

“1126b. *Children of members commemorative lapel button: eligi-*
bility and presen-
tation.”.

10 (c) *IMPLEMENTATION.*—*It is the sense of Congress that,*
11 *as soon as practicable once the children of military service*
12 *members commemorative lapel button become available, the*
13 *Secretary of Defense—*

14 (1) *should widely announce the availability of*
15 *children of military service members commemorative*
16 *lapel buttons through military and public informa-*
17 *tion channels; and*

18 (2) *should encourage commanders at all levels to*
19 *conduct ceremonies recognizing the support provided*
20 *by children of members of the Armed Forces and to*
21 *use the ceremonies as an opportunity for members to*
22 *present their children with a children of military*
23 *service members commemorative lapel button.*

1 **SEC. 574. CLARIFICATION OF PERSONS ELIGIBLE FOR**
2 **AWARD OF BRONZE STAR MEDAL.**

3 (a) *LIMITATION ON ELIGIBLE PERSONS.*—Section
4 1133 of title 10, United States Code, is amended to read
5 as follows:

6 **“§ 1133. Bronze Star: limitation on persons eligible to**
7 **receive**

8 *“The decoration known as the ‘Bronze Star’ may only*
9 *be awarded to a member of a military force who—*

10 *“(1) at the time of the events for which the deco-*
11 *ration is to be awarded, was serving in a geographic*
12 *area in which special pay is authorized under section*
13 *310 or paragraph (1) or (3) of section 351(a) of title*
14 *37; or*

15 *“(2) receives special pay under section 310 or*
16 *paragraph (1) or (3) of section 351(a) of title 37 as*
17 *a result of those events.”.*

18 (b) *CLERICAL AMENDMENT.*—The table of sections at
19 the beginning of chapter 57 of such title is amended by
20 striking the item relating to section 1133 and inserting the
21 following new item:

“1133. Bronze Star: limitation on persons eligible to receive.”.

22 (c) *APPLICATION OF AMENDMENT.*—The amendment
23 made by subsection (a) applies to the award of the Bronze
24 Star after October 30, 2000.

1 **SEC. 575. AWARD OF VIETNAM SERVICE MEDAL TO VET-**
2 **ERANS WHO PARTICIPATED IN MAYAGUEZ**
3 **RESCUE OPERATION.**

4 (a) *IN GENERAL.*—*The Secretary of the military de-*
5 *partment concerned shall, upon the application of an indi-*
6 *vidual who is an eligible veteran, award that individual*
7 *the Vietnam Service Medal, notwithstanding any otherwise*
8 *applicable requirements for the award of that medal. Any*
9 *such award shall be made in lieu of any Armed Forces Ex-*
10 *peditionary Medal awarded the individual for the individ-*
11 *ual’s participation in the Mayaguez rescue operation.*

12 (b) *ELIGIBLE VETERAN.*—*For purposes of this section,*
13 *the term “eligible veteran” means a member or former mem-*
14 *ber of the Armed Forces who was awarded the Armed Forces*
15 *Expeditionary Medal for participation in military oper-*
16 *ations known as the Mayaguez rescue operation of May 12–*
17 *15, 1975.*

18 **SEC. 576. AUTHORIZATION FOR AWARD OF MEDAL OF**
19 **HONOR TO CERTAIN MEMBERS OF THE ARMY**
20 **FOR ACTS OF VALOR DURING THE CIVIL WAR,**
21 **KOREAN WAR, OR VIETNAM WAR.**

22 (a) *AUTHORIZATION.*—*Notwithstanding the time limi-*
23 *tations specified in section 3744 of title 10, United States*
24 *Code, or any other time limitation with respect to the*
25 *awarding of certain medals to persons who served in the*
26 *Armed Forces, the President is authorized to award the*

1 *Medal of Honor under section 3741 of such title to the fol-*
2 *lowing former members of the Army for conspicuous acts*
3 *of gallantry and intrepidity at the risk of their life and*
4 *beyond the call of duty, as described in subsection (b):*

5 (1) *First Lieutenant Alonzo H. Cushing, Civil*
6 *War.*

7 (2) *Private John A. Sipe, Civil War.*

8 (3) *Chaplain (Captain) Emil J. Kapaun, Ko-*
9 *rean War.*

10 (4) *Specialist Four Robert L. Towles, Vietnam*
11 *War.*

12 (b) *ACTS OF VALOR DESCRIBED.—*

13 (1) *FIRST LIEUTENANT ALONZO H. CUSHING.—*
14 *In the case of First Lieutenant Alonzo H. Cushing,*
15 *the acts of valor referred to in subsection (a) are the*
16 *actions of then First Lieutenant Alonzo H. Cushing*
17 *while in command of Battery A, 4th United States*
18 *Artillery, Army of the Potomac, at Gettysburg, Penn-*
19 *sylvania, on July 3, 1863, during the American Civil*
20 *War.*

21 (2) *PRIVATE JOHN A. SIPE.—In the case of Pri-*
22 *ivate John A. Sipe, the acts of valor referred to in sub-*
23 *section (a) are the actions of then Private John A.*
24 *Sipe of Company I of the 205th Regiment Pennsyl-*
25 *vania Volunteers, part of the 2d Brigade, 3d Division,*

1 *awarding of certain medals to persons who served in the*
2 *Armed Forces, the Secretary of the Army is authorized and*
3 *requested to award the Distinguished-Service Cross under*
4 *section 3742 of such title to former Captain Jay C. Copley*
5 *of the United States Army for the acts of valor during the*
6 *Vietnam War described in subsection (b).*

7 **(b) ACTS OF VALOR DESCRIBED.**—*The acts of valor*
8 *referred to in subsection (a) are the actions of then Captain*
9 *Jay C. Copley on May 5, 1968, as commander of Company*
10 *C of the 1st Battalion, 50th Infantry, 173d Airborne Bri-*
11 *gade during an engagement with a regimental-size enemy*
12 *force in Bin Dinh Province, South Vietnam.*

13 **SEC. 578. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY**
14 **OF THE KOREAN WAR.**

15 **(a) COMMEMORATIVE PROGRAM AUTHORIZED.**—*The*
16 *Secretary of Defense may establish and conduct a program*
17 *to commemorate the 60th anniversary of the Korean War*
18 *(in this section referred to as the “commemorative pro-*
19 *gram”). In conducting the commemorative program, the*
20 *Secretary shall coordinate and support other programs and*
21 *activities of the Federal Government, State and local gov-*
22 *ernments, and other persons and organizations in com-*
23 *memoration of the Korean War.*

24 **(b) SCHEDULE.**—*If the Secretary of Defense establishes*
25 *the commemorative program, the Secretary shall determine*

1 *the schedule of major events and priority of efforts for the*
2 *commemorative program to achieve the commemorative ob-*
3 *jectives specified in subsection (c). The Secretary may estab-*
4 *lish a committee to assist the Secretary in determining the*
5 *schedule and conducting the commemorative program.*

6 (c) *COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—*
7 *The commemorative program may include activities and*
8 *ceremonies to achieve the following objectives:*

9 (1) *To thank and honor veterans of the Korean*
10 *War, including members of the Armed Forces who*
11 *were held as prisoners of war or listed as missing in*
12 *action, for their service and sacrifice on behalf of the*
13 *United States.*

14 (2) *To thank and honor the families of veterans*
15 *of the Korean War for their sacrifices and contribu-*
16 *tions, especially families who lost a loved one in the*
17 *Korean War.*

18 (3) *To highlight the service of the Armed Forces*
19 *during the Korean War and the contributions of Fed-*
20 *eral agencies and governmental and non-govern-*
21 *mental organizations that served with, or in support*
22 *of, the Armed Forces.*

23 (4) *To pay tribute to the sacrifices and contribu-*
24 *tions made on the home front by the people of the*
25 *United States during the Korean War.*

1 (5) *To provide the people of the United States*
2 *with a clear understanding and appreciation of the*
3 *lessons and history of the Korean War.*

4 (6) *To highlight the advances in technology,*
5 *science, and medicine related to military research*
6 *conducted during the Korean War.*

7 (7) *To recognize the contributions and sacrifices*
8 *made by the allies of the United States during the*
9 *Korean War.*

10 (d) *USE OF THE UNITED STATES OF AMERICA KO-*
11 *REAN WAR COMMEMORATION AND SYMBOLS.—Subsection*
12 *(c) of section 1083 of the National Defense Authorization*
13 *Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.*
14 *1918), as amended by section 1067 of the Strom Thurmond*
15 *National Defense Authorization Act for Fiscal Year 1999*
16 *(Public Law 105–261; 112 Stat. 2134) and section 1052*
17 *of the National Defense Authorization Act for Fiscal Year*
18 *2000 (Public Law 106–65; 113 Stat. 764), shall apply to*
19 *the commemorative program.*

20 (e) *COMMEMORATIVE FUND.—*

21 (1) *ESTABLISHMENT OF NEW ACCOUNT.—If the*
22 *Secretary of Defense establishes the commemorative*
23 *program, the Secretary the Treasury shall establish in*
24 *the Treasury of the United States an account to be*
25 *known as the “Department of Defense Korean War*

1 *Commemoration Fund*” (in this section referred to as
2 the “*Fund*”).

3 (2) *ADMINISTRATION AND USE OF FUND.*—*The*
4 *Fund shall be available to, and administered by, the*
5 *Secretary of Defense. The Secretary shall use the as-*
6 *sets of the Fund only for the purpose of conducting*
7 *the commemorative program and shall prescribe such*
8 *regulations regarding the use of the Fund as the Sec-*
9 *retary considers to be necessary.*

10 (3) *DEPOSITS.*—*There shall be deposited into the*
11 *Fund the following:*

12 (A) *Amounts appropriated to the Fund.*

13 (B) *Proceeds derived from the use by the*
14 *Secretary of Defense of the exclusive rights de-*
15 *scribed in subsection (c) of section 1083 of the*
16 *National Defense Authorization Act for Fiscal*
17 *Year 1998 (Public Law 105–85; 111 Stat. 1918).*

18 (C) *Donations made in support of the com-*
19 *memorative program by private and corporate*
20 *donors.*

21 (4) *AVAILABILITY.*—*Subject to paragraph (5),*
22 *amounts in the Fund shall remain available until ex-*
23 *pended.*

24 (5) *TREATMENT OF UNOBLIGATED FUNDS;*
25 *TRANSFER.*—*If unobligated amounts remain in the*

1 *Fund as of September 30, 2013, the Secretary of the*
2 *Treasury shall transfer the amounts to the Depart-*
3 *ment of Defense Vietnam War Commemorative Fund*
4 *established pursuant to section 598(e) of the National*
5 *Defense Authorization Act for Fiscal Year 2008 (Pub-*
6 *lic Law 110–181; 10 U.S.C. 113 note). The trans-*
7 *ferred amounts shall be merged with, and available*
8 *for the same purposes as, other amounts in the De-*
9 *partment of Defense Vietnam War Commemorative*
10 *Fund.*

11 *(f) ACCEPTANCE OF VOLUNTARY SERVICES.—*

12 (1) *AUTHORITY TO ACCEPT SERVICES.—Notwith-*
13 *standing section 1342 of title 31, United States Code,*
14 *the Secretary of Defense may accept from any person*
15 *voluntary services to be provided in furtherance of the*
16 *commemorative program. The Secretary shall prohibit*
17 *the solicitation of any voluntary services if the nature*
18 *or circumstances of such solicitation would com-*
19 *promise the integrity or the appearance of integrity*
20 *of any program of the Department of Defense or of*
21 *any individual involved in the program.*

22 (2) *COMPENSATION FOR WORK-RELATED IN-*
23 *JURY.—A person providing voluntary services under*
24 *this subsection shall be considered to be a Federal em-*
25 *ployee for purposes of chapter 81 of title 5, United*

1 *States Code, relating to compensation for work-related*
2 *injuries. The person shall also be considered a special*
3 *governmental employee for purposes of standards of*
4 *conduct and sections 202, 203, 205, 207, 208, and 209*
5 *of title 18, United States Code. A person who is not*
6 *otherwise employed by the Federal Government shall*
7 *not be considered to be a Federal employee for any*
8 *other purpose by reason of the provision of voluntary*
9 *services under this subsection.*

10 (3) *REIMBURSEMENT OF INCIDENTAL EX-*
11 *PENSES.—The Secretary may provide for reimburse-*
12 *ment of incidental expenses incurred by a person pro-*
13 *viding voluntary services under this subsection. The*
14 *Secretary shall determine which expenses are eligible*
15 *for reimbursement under this paragraph.*

16 (g) *REPORT REQUIRED.—If the Secretary of Defense*
17 *conducts the commemorative program, the Inspector Gen-*
18 *eral of the Department of Defense shall submit to Congress,*
19 *not later than 60 days after the end of the commemorative*
20 *program, a report containing an accounting of—*

21 (1) *all of the funds deposited into and expended*
22 *from the Fund;*

23 (2) *any other funds expended under this section;*
24 *and*

1 (3) any unobligated funds remaining in the
2 Fund as of September 30, 2013, that are transferred
3 to the Department of Defense Vietnam War Com-
4 memorative Fund pursuant to subsection (e)(5).

5 (h) *LIMITATION ON EXPENDITURES.*—Using amounts
6 appropriated to the Department of Defense, the Secretary
7 of Defense may not expend more than \$5,000,000 to carry
8 out the commemorative program.

9 ***Subtitle I—Military Family***
10 ***Readiness Matters***

11 ***SEC. 581. APPOINTMENT OF ADDITIONAL MEMBER OF DE-***
12 ***PARTMENT OF DEFENSE MILITARY FAMILY***
13 ***READINESS COUNCIL.***

14 (a) *INCLUSION OF SPOUSE OF GENERAL OR FLAG OF-*
15 *FICER.*—Subsection (b) of section 1781a of title 10, United
16 States Code, is amended—

17 (1) in paragraph (1)—

18 (A) by redesignating subparagraph (E) as
19 subparagraph (F); and

20 (B) by inserting after subparagraph (D) the
21 following new subparagraph:

22 “(E) The spouse of a general or flag officer.”;

23 and

1 (2) *in paragraph (2), by striking “subpara-*
2 *graphs (C) and (D)” and inserting “subparagraphs*
3 *(C), (D), and (E)”.*

4 **(b) CLARIFICATION OF APPOINTMENT OPTIONS FOR**
5 **EXISTING MEMBER.**—*Subparagraph (F) of subsection*
6 *(b)(1) of such section, as redesignated by subsection*
7 *(a)(1)(A), is amended to read as follows:*

8 *“(F) In addition to the representatives appointed*
9 *under subparagraphs (B) and (C), the senior enlisted*
10 *advisor, or the spouse of a senior enlisted member,*
11 *from each of the Army, Navy, Marine Corps, and Air*
12 *Force.”.*

13 **(c) APPOINTMENT BY SECRETARY OF DEFENSE.**—*Sub-*
14 *section (b) of such section is further amended—*

15 *(1) in paragraph (1)—*

16 *(A) in subparagraph (B), by striking “,*
17 *who shall be appointed by the Secretary of De-*
18 *fense”;*

19 *(B) in subparagraph (C), by striking “,*
20 *who shall be appointed by the Secretary of De-*
21 *fense” both places it appears; and*

22 *(C) in subparagraph (D), by striking “by*
23 *the Secretary of Defense”;* and

24 *(2) by adding at the end the following new para-*
25 *graph:*

1 “(3) *The Secretary of Defense shall appoint the mem-*
2 *bers of the Council required by subparagraphs (B) through*
3 *(F) of paragraph (1).”.*

4 **SEC. 582. DIRECTOR OF THE OFFICE OF COMMUNITY SUP-**
5 **PORT FOR MILITARY FAMILIES WITH SPECIAL**
6 **NEEDS.**

7 *Subsection (c) of section 1781c of title 10, United*
8 *States Code, is amended to read as follows:*

9 “(c) *DIRECTOR.—(1) The head of the Office shall be*
10 *the Director of the Office of Community Support for Mili-*
11 *tary Families With Special Needs, who shall be a member*
12 *of the Senior Executive Service or a general officer or flag*
13 *officer.*

14 “(2) *In the discharge of the responsibilities of the Of-*
15 *fice, the Director shall be subject to the supervision, direc-*
16 *tion, and control of the Under Secretary of Defense for Per-*
17 *sonnel and Readiness.”.*

18 **SEC. 583. PILOT PROGRAM OF PERSONALIZED CAREER DE-**
19 **VELOPMENT COUNSELING FOR MILITARY**
20 **SPOUSES.**

21 *(a) PILOT PROGRAM REQUIRED.—Section 1784a of*
22 *title 10, United States Code, is amended—*

23 *(1) by redesignating subsections (d) and (e) as*
24 *subsections (e) and (f), respectively; and*

1 (2) *by inserting after subsection (c) the following*
2 *new subsection (d):*

3 “(d) *PERSONALIZED CAREER DEVELOPMENT COUN-*
4 *SELING.—*

5 “(1) *PILOT PROGRAM REQUIRED.—The Secretary*
6 *of Defense shall conduct a pilot program designed to*
7 *provide personalized career development counseling to*
8 *the spouses of members of the armed forces eligible for*
9 *assistance under this section, including the develop-*
10 *ment of strategies, step-by-step guidelines, and*
11 *customizable milestones—*

12 “(A) *to promote a comprehensive, introspec-*
13 *tive review of personal skills, experience, goals,*
14 *and requirements with a view to developing a*
15 *personalized plan for career development;*

16 “(B) *to identify career options that are*
17 *portable, personally rewarding, and compatible*
18 *with personal strengths, skills, and experience;*

19 “(C) *to instruct and encourage the use of*
20 *sound personal and professional management*
21 *practices; and*

22 “(D) *to plan career attainment progression*
23 *objectives and measure progress.*

24 “(2) *INCENTIVES TO FILL CRITICAL CIVILIAN*
25 *SPECIALTIES.—In conducting the pilot program, the*

1 *Secretary shall consider methods to provide incentives*
2 *for program participants to fill critical civilian spe-*
3 *cialties needed in the Department of Defense, includ-*
4 *ing the following:*

5 *“(A) Mental health and other health care.*

6 *“(B) Social work.*

7 *“(C) Family welfare.*

8 *“(D) Contract and acquisition manage-*
9 *ment.*

10 *“(E) Personal financial management.*

11 *“(F) Day care services.*

12 *“(G) Education.*

13 *“(H) Military resale system.*

14 *“(I) Morale, welfare and recreation activi-*
15 *ties.*

16 *“(J) Law enforcement.*

17 *“(3) PROCESS REVIEWS.—The Secretary shall*
18 *include in the pilot program a periodic review, to be*
19 *conducted by counselors, of progress made by partici-*
20 *pants to determine if changes to personal career strat-*
21 *egies may be necessary.*

22 *“(4) NUMBER OF PARTICIPANTS.—The Secretary*
23 *of Defense shall enroll at least 75 military spouses in*
24 *the pilot program, but not more than 150 military*
25 *spouses.*

1 “(5) *GEOGRAPHIC COVERAGE OF PILOT PRO-*
2 *GRAM.—The pilot program shall be conducted in at*
3 *least three separate geographic areas, as determined*
4 *by the Secretary of Defense.*

5 “(6) *COUNSELORS.—The Secretary of Defense*
6 *may enter into contracts with career counselors to*
7 *provide counseling services under the pilot program.*
8 *There shall be at least one counselor in each of the ge-*
9 *ographic areas of the pilot program.*

10 “(7) *ANNUAL EVALUATION.—The Secretary of*
11 *Defense shall conduct an annual evaluation of the*
12 *pilot program to determine the following:*

13 “(A) *The effectiveness of the pilot program*
14 *in improving the ability of participants to iden-*
15 *tify, develop, and obtain employment in portable*
16 *career fields.*

17 “(B) *The self-reported levels of professional*
18 *satisfaction of participants.*

19 “(C) *The quality of careers selected and*
20 *pursued.*

21 “(D) *The rates of success—*

22 “(i) *as determined and evaluated by*
23 *participants; and*

24 “(ii) *as determined by the Secretary.*

25 “(8) *ANNUAL REPORT.—*

1 “(A) *REPORT REQUIRED.*—*The Secretary of*
2 *Defense shall submit to the Committees on*
3 *Armed Services of the Senate and the House of*
4 *Representatives an annual report containing—*

5 “(i) *the results of the most-recent an-*
6 *ual evaluation conducted under paragraph*
7 *(7); and*

8 “(ii) *the matters required by subpara-*
9 *graph (B).*

10 “(B) *CONTENTS.*—*Each report under this*
11 *paragraph shall contain, at a minimum, the fol-*
12 *lowing:*

13 “(i) *The number of participants in the*
14 *pilot program.*

15 “(ii) *Recommendations for adjustments*
16 *to the pilot program.*

17 “(iii) *Recommendations for extending*
18 *the pilot program or implementing a per-*
19 *manent comprehensive career development*
20 *for military spouses.*

21 “(C) *TIME FOR SUBMISSION.*—*The first re-*
22 *port under this subsection shall be submitted not*
23 *later than one year after the date of the com-*
24 *mencement of counseling services under the pilot*
25 *program. Subsequent reports shall be submitted*

1 “(A) *IN GENERAL.—The Under*”; and

2 (2) *in the last sentence—*

3 (A) *by striking “The office may also” and*
4 *inserting the following:*

5 “(B) *PARTNERSHIPS AND ACCESS.—The of-*
6 *fice may*”;

7 (B) *by inserting “and the Department of*
8 *Veterans Affairs” after “Administration”; and*

9 (C) *by adding at the end the following new*
10 *sentence: “Service and State-based programs*
11 *may provide access to curriculum, training, and*
12 *support for services to members and families*
13 *from all components.”.*

14 (b) *CENTER FOR EXCELLENCE IN REINTEGRATION.—*
15 *Subsection (d)(2) of such section is amended by adding at*
16 *the end the following new sentence: “The Center shall de-*
17 *velop and implement a process for evaluating the effective-*
18 *ness of the Yellow Ribbon Reintegration Program in sup-*
19 *porting the health and well-being of members of the Armed*
20 *Forces and their families throughout the deployment cycle*
21 *described in subsection (g)”.*

22 (c) *STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—*
23 *Subsection (f)(3) of such section is amended by inserting*
24 *“and community-based organizations” after “service pro-*
25 *viders”.*

1 (d) *OPERATION OF PROGRAM DURING DEPLOYMENT*
2 *AND POST-DEPLOYMENT-RECONSTITUTION PHASES.*—Sub-
3 *section (g) of such section is amended—*

4 (1) *in paragraph (3), by inserting “and to de-*
5 *crease the isolation of families during deployment”*
6 *after “combat zone”; and*

7 (2) *in paragraph (5)(A), by inserting “, pro-*
8 *viding information on employment opportunities,”*
9 *after “communities”.*

10 (e) *ADDITIONAL OUTREACH SERVICE.*—Subsection (h)
11 *of such section, as amended by section 595(1) of the Na-*
12 *tional Defense Authorization Act for Fiscal Year 2010 (Pub-*
13 *lic Law 110–84; 123 Stat. 2338), is amended by adding*
14 *at the end the following new paragraph:*

15 “(15) *Resiliency training to promote comprehen-*
16 *sive programs for members of the Armed Forces to*
17 *build mental and emotional resiliency for successfully*
18 *meeting the demands of the deployment cycle.”.*

19 **SEC. 585. IMPORTANCE OF OFFICE OF COMMUNITY SUP-**
20 **PORT FOR MILITARY FAMILIES WITH SPECIAL**
21 **NEEDS.**

22 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
23 *that the Office of Community Support for Military Fami-*
24 *lies with Special Needs, as established pursuant to section*
25 *1781c of title 10, United States Code, as added by section*

1 *563 of the National Defense Authorization Act for Fiscal*
2 *Year 2010 (Public Law 111–84; 123 Stat. 2304), is the best*
3 *structure—*

4 *(1) to determine what medical, educational, and*
5 *other support services are required by military fami-*
6 *lies with children who have a medical or educational*
7 *special need; and*

8 *(2) to ensure that those services are made avail-*
9 *able to military families with special needs.*

10 *(b) SPECIFIC BUDGETING FOR OFFICE.—Effective*
11 *with the Program Objective Memorandum to be issued for*
12 *fiscal year 2012 and thereafter and containing rec-*
13 *ommended programming and resource allocations for the*
14 *Department of Defense, the Secretary of Defense shall spe-*
15 *cifically address the Office of Community Support for Mili-*
16 *tary Families with Special Needs to ensure that a separate*
17 *line of funding is allocated to the Office.*

18 **SEC. 586. COMPTROLLER GENERAL REPORT ON DEPART-**
19 **MENT OF DEFENSE OFFICE OF COMMUNITY**
20 **SUPPORT FOR MILITARY FAMILIES WITH SPE-**
21 **CIAL NEEDS.**

22 *(a) REPORT REQUIRED.—The Comptroller General of*
23 *the United States shall prepare a report identifying—*

24 *(1) the progress made in implementing the Office*
25 *of Community Support for Military Families with*

1 *Special Needs, as established pursuant to section*
2 *1781c of title 10, United States Code, as added by sec-*
3 *tion 563 of the National Defense Authorization Act*
4 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
5 *2304);*

6 *(2) the policies governing the operation of the Of-*
7 *fice; and*

8 *(3) any gaps that still exist in ensuring that*
9 *members of the Armed Forces who have dependents*
10 *with special needs receive the support and services*
11 *they deserve.*

12 *(b) ELEMENTS OF REPORT.—In the report required by*
13 *subsection (a), the Comptroller General shall specifically*
14 *address the following:*

15 *(1) The implementation of the responsibilities*
16 *and duties assigned to the Office of Community Sup-*
17 *port for Military Families With Special Needs pursu-*
18 *ant to subsections (d), (e), and (f) of section 1781c of*
19 *title 10, United States Code.*

20 *(2) The manner in which the Department of De-*
21 *fense and the military departments intend to ensure*
22 *that feedback is provided to the Office of Community*
23 *Support for Military Families With Special Needs to*
24 *ensure that the services and policy put in place are*
25 *appropriate.*

1 (c) *RECOMMENDATIONS.*—*The Comptroller General*
2 *shall include in the report required by subsection (a) spe-*
3 *cific recommendations on the establishment, reporting re-*
4 *quirements, internal monitoring, and oversight of the Office*
5 *of Community Support for Military Families With Special*
6 *Needs by the Under Secretary of Defense for Personnel and*
7 *Readiness to ensure that the mission of the Office is being*
8 *accomplished.*

9 (d) *REPORT.*—*Not later than 180 days after the date*
10 *of the enactment of this Act, the Comptroller General shall*
11 *submit the report required by subsection (a) to the congres-*
12 *sional defense committees.*

13 **SEC. 587. COMPTROLLER GENERAL REPORT ON EXCEP-**
14 **TIONAL FAMILY MEMBER PROGRAM.**

15 (a) *ASSESSMENT REQUIRED.*—*The Comptroller Gen-*
16 *eral of the United States shall conduct an assessment of the*
17 *Exceptional Family Member Program of the Department*
18 *of Defense to review the operation of the program in each*
19 *of the Armed Forces, including program policies, best prac-*
20 *tices, execution, implementation and strategic planning, to*
21 *determine program variances and to make recommenda-*
22 *tions to improve and standardize program effectiveness and*
23 *support for members of the Armed Forces who have depend-*
24 *ents with special needs.*

1 (b) *REPORT.*—Not later than 180 days after the date
2 of the enactment of this Act, the Comptroller General shall
3 submit to the congressional defense committees a report con-
4 taining the results of the assessment and review under sub-
5 section (a).

6 **SEC. 588. COMPTROLLER GENERAL REVIEW OF DEPART-**
7 **MENT OF DEFENSE MILITARY SPOUSE EM-**
8 **PLOYMENT PROGRAMS.**

9 (a) *COMPTROLLER GENERAL REVIEW.*—The Comp-
10 troller General of the United States shall carry out a review
11 of all Department of Defense spouse employment programs.

12 (b) *ELEMENTS OF REVIEW.*—At a minimum, the re-
13 view shall address the following:

14 (1) *The efficacy and effectiveness of Department*
15 *of Defense spouse employment programs.*

16 (2) *All current Department of Defense programs*
17 *that are in place to support military spouses or de-*
18 *pendents for the purposes of employment assistance.*

19 (3) *The types of military spouse employment*
20 *programs that have been considered or used in the*
21 *past by the Department of Defense.*

22 (4) *The ways in which military spouse employ-*
23 *ment programs have changed in recent years.*

24 (5) *The benefits or programs that are specifically*
25 *available to support military spouses of members of*

1 *the Armed Forces serving in Operation Iraqi Freedom*
2 *or Operation Enduring Freedom.*

3 (6) *The existing feedback mechanisms available*
4 *for military spouses to express their views on the ef-*
5 *fectiveness and future direction of relevant Depart-*
6 *ment of Defense programs and policies.*

7 (7) *The degree of oversight provided by the Office*
8 *of Personnel and Management regarding military*
9 *spouse preferences.*

10 (c) **SUBMISSION OF RESULTS.**—*Not later than March*
11 *1, 2011, the Comptroller General shall submit to the con-*
12 *gressional defense committees a report containing—*

13 (1) *the results of the review;*

14 (2) *the assumptions upon which the review was*
15 *based and the validity and completeness of such as-*
16 *sumptions; and*

17 (3) *such recommendations as the Comptroller*
18 *General considers necessary for improving Depart-*
19 *ment of Defense spouse employment programs.*

20 **SEC. 589. REPORT ON DEPARTMENT OF DEFENSE MILITARY**
21 **SPOUSE EDUCATION PROGRAMS.**

22 (a) **REVIEW REQUIRED.**—*The Secretary of Defense*
23 *shall carry out a review of all Department of Defense edu-*
24 *cation programs designed to support spouses of members of*
25 *the Armed Forces.*

1 (b) *ELEMENTS OF REVIEW.*—*At a minimum, the re-*
2 *view shall evaluate the following:*

3 (1) *All current Department of Defense programs*
4 *that are in place to advance military spouse edu-*
5 *cation opportunities.*

6 (2) *The efficacy and effectiveness of Department*
7 *of Defense spouse education programs.*

8 (3) *The effect that a lack military spouse edu-*
9 *cation opportunities has on the ability to retain*
10 *members of the Armed Forces.*

11 (4) *A comparison of the costs associated with*
12 *providing military spouse education opportunities to*
13 *retain members rather than recruiting or training*
14 *new members.*

15 (c) *SUBMISSION OF RESULTS.*—*Not later than 180*
16 *days after the date of the enactment of this Act, the Sec-*
17 *retary of Defense shall submit to the congressional defense*
18 *committees a report containing—*

19 (1) *the results of the review; and*

20 (2) *such recommendations as the Secretary con-*
21 *siders necessary for improving Department of Defense*
22 *spouse education programs.*

1 ***Subtitle J—Other Matters***

2 ***SEC. 591. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS'***
3 ***TRAINING CORPS UNITS FOR STUDENTS IN***
4 ***GRADES ABOVE SIXTH GRADE.***

5 *Section 2031 of title 10, United States Code, is amend-*
6 *ed by adding at the end the following new subsection:*

7 “(g)(1) *In addition to units of the Junior Reserve Offi-*
8 *cers’ Training Corps established at public and private sec-*
9 *ondary educational institutions under subsection (a), the*
10 *Secretary of each military department may carry out a*
11 *pilot program to establish and support units at public and*
12 *private educational institutions that are not secondary edu-*
13 *cational institutions to permit the enrollment of students*
14 *in the Corps who, notwithstanding the limitation in sub-*
15 *section (b)(1), are in a grade above the sixth grade. Under*
16 *the pilot program, the Secretary may authorize a course*
17 *of military instruction of not less than two academic years’*
18 *duration, notwithstanding subsection (b)(3).*

19 “(2) *Except as provided in paragraph (1), a unit of*
20 *the Junior Reserve Officers’ Training Corps established and*
21 *supported under the pilot program must meet the require-*
22 *ments of this section.*

23 “(3) *The Secretary of the military department con-*
24 *cerned shall conduct a review of the pilot program. The re-*
25 *view shall include an evaluation of what impacts, if any,*

1 *riculum related to aeronautics and astronautics, electrical*
2 *and computer engineering, engineering physics, mathe-*
3 *matics and statistics, operational sciences, or systems and*
4 *engineering management.*

5 “(2) *No more than 125 defense industry employees*
6 *may be enrolled at the United States Air Force Institute*
7 *of Technology at any one time under the authority of para-*
8 *graph (1).*

9 “(3) *Upon successful completion of the course of in-*
10 *struction at the United States Air Force Institute of Tech-*
11 *nology in which a defense industry employee is enrolled,*
12 *the defense industry employee may be awarded an appro-*
13 *priate degree under section 9314 of this title.*

14 “(b) *ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—*
15 *For purposes of this section, an eligible defense industry*
16 *employee is an individual employed by a private firm that*
17 *is engaged in providing to the Department of Defense sig-*
18 *nificant and substantial defense-related systems, products,*
19 *or services. A defense industry employee admitted for in-*
20 *struction at the United States Air Force Institute of Tech-*
21 *nology remains eligible for such instruction only so long*
22 *at that person remains employed by the same firm.*

23 “(c) *ANNUAL DETERMINATION BY THE SECRETARY OF*
24 *THE AIR FORCE.—Defense industry employees may receive*
25 *instruction at the United States Air Force Institute of Tech-*

1 *nology during any academic year only if, before the start*
2 *of that academic year, the Secretary of the Air Force, or*
3 *the designee of the Secretary, determines that providing in-*
4 *struction to defense industry employees under this section*
5 *during that year—*

6 “(1) *will further the military mission of the*
7 *United States Air Force Institute of Technology; and*

8 “(2) *will be done on a space-available basis and*
9 *not require an increase in the size of the faculty of*
10 *the school, an increase in the course offerings of the*
11 *school, or an increase in the laboratory facilities or*
12 *other infrastructure of the school.*

13 “(d) *PROGRAM REQUIREMENTS.—The Secretary of the*
14 *Air Force shall ensure that—*

15 “(1) *the curriculum in which defense industry*
16 *employees may be enrolled under this section is not*
17 *readily available through other schools and con-*
18 *centrates on the areas of focus specified in subsection*
19 *(a)(1) that are conducted by military organizations*
20 *and defense contractors working in close cooperation;*
21 *and*

22 “(2) *the course offerings at the United States Air*
23 *Force Institute of Technology continue to be deter-*
24 *mined solely by the needs of the Department of De-*
25 *fense.*

1 “(e) *TUITION.*—(1) *The United States Air Force Insti-*
2 *tute of Technology shall charge tuition for students enrolled*
3 *under this section at a rate not less than the rate charged*
4 *for employees of the United States outside the Department*
5 *of the Air Force.*

6 “(2) *Amounts received by the United States Air Force*
7 *Institute of Technology for instruction of students enrolled*
8 *under this section shall be retained by the school to defray*
9 *the costs of such instruction. The source, and the disposi-*
10 *tion, of such funds shall be specifically identified in records*
11 *of the school.*

12 “(f) *STANDARDS OF CONDUCT.*—*While receiving in-*
13 *struction at the United States Air Force Institute of Tech-*
14 *nology, defense industry employees enrolled under this sec-*
15 *tion, to the extent practicable, are subject to the same regu-*
16 *lations governing academic performance, attendance, norms*
17 *of behavior, and enrollment as apply to Government civil-*
18 *ian employees receiving instruction at the school.”.*

19 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
20 *the beginning of such chapter is amended by inserting after*
21 *the item relating to section 9314 the following new item:*

 “9314a. *United States Air Force Institute of Technology: admission of defense in-*
 dustry civilians.”.

1 **SEC. 594. DATE FOR SUBMISSION OF ANNUAL REPORT ON**
2 **DEPARTMENT OF DEFENSE STARBASE PRO-**
3 **GRAM.**

4 *Section 2193b(g) of title 10, United States Code, is*
5 *amended by striking “90 days after the end of each fiscal*
6 *year” and inserting “March 31 of each year”.*

7 **SEC. 595. EXTENSION OF DEADLINE FOR SUBMISSION OF**
8 **FINAL REPORT OF MILITARY LEADERSHIP DI-**
9 **VERSITY COMMISSION.**

10 *Section 596(e)(1) of the Duncan Hunter National De-*
11 *fense Authorization Act for Fiscal Year 2009 (Public Law*
12 *110–417; 122 Stat. 4478) is amended by striking “12*
13 *months” and inserting “18 months”.*

14 **SEC. 596. ENHANCED AUTHORITY FOR MEMBERS OF THE**
15 **ARMED FORCES AND DEPARTMENT OF DE-**
16 **FENSE AND COAST GUARD CIVILIAN EMPLOY-**
17 **EES AND THEIR FAMILIES TO ACCEPT GIFTS**
18 **FROM NON-FEDERAL ENTITIES.**

19 *(a) CODIFICATION AND EXPANSION OF EXISTING AU-*
20 *THORITY TO COVER ADDITIONAL MEMBERS AND EMPLOY-*
21 *EES.—*

22 *(1) CODIFICATION AND EXPANSION.—Chapter*
23 *155 of title 10, United States Code, is amended by in-*
24 *serting after section 2601 the following new section:*

1 **“§2601a. Direct acceptance of gifts by members of the**
2 **armed forces and Department of Defense**
3 **and Coast Guard employees and their**
4 **families**

5 “(a) *REGULATIONS GOVERNING ACCEPTANCE OF*
6 *GIFTS.—(1) The Secretary of Defense (and the Secretary*
7 *of Homeland Security in the case of the Coast Guard) shall*
8 *issue regulations to provide that, subject to such limitations*
9 *as may be specified in such regulations, the following indi-*
10 *viduals may accept gifts from nonprofit organizations, pri-*
11 *vate parties, and other sources outside the Department of*
12 *Defense or the Department of Homeland Security:*

13 “(A) *A member of the armed forces described in*
14 *subsection (c).*

15 “(B) *A civilian employee of the Department of*
16 *Defense or Coast Guard described in subsection (d).*

17 “(C) *The family members of such a member or*
18 *employee.*

19 “(D) *Survivors of such a member or employee*
20 *who is killed.*

21 “(2) *The regulations required by this subsection shall*
22 *apply uniformly to all elements of the Department of De-*
23 *fense and, to the maximum extent feasible, to the Coast*
24 *Guard.*

25 “(b) *EXCEPTION TO GIFT BAN.—A member of the*
26 *armed forces described in subsection (c) and a civilian em-*

1 *ployee described in subsection (d) may accept gifts as pro-*
2 *vided in the regulations issued under subsection (a) not-*
3 *withstanding section 7353 of title 5.*

4 “(c) *COVERED MEMBERS.—This section applies to a*
5 *member of the armed forces who, while performing active*
6 *duty, full-time National Guard duty, or inactive-duty*
7 *training on or after September 11, 2001, incurred an injury*
8 *or illness—*

9 “(1) *as described in section 1413a(e)(2) of this*
10 *title;*

11 “(2) *in an operation or area designated as a*
12 *combat operation or a combat zone by the Secretary*
13 *of Defense in accordance with the regulations issued*
14 *under subsection (a); or*

15 “(3) *under other circumstances determined by*
16 *the Secretary concerned to warrant treatment analo-*
17 *gous to members covered by paragraph (1) or (2).*

18 “(d) *COVERED EMPLOYEES.—This section applies to*
19 *a civilian employee of the Department of Defense or Coast*
20 *Guard who, while an employee on or after September 11,*
21 *2001, incurred an injury or illness under a circumstance*
22 *described in paragraph (1), (2), or (3) of subsection (c).*

23 “(e) *GIFTS FROM CERTAIN SOURCES PROHIBITED.—*
24 *The regulations issued under subsection (a) may not au-*

1 *thorize the acceptance of a gift from a foreign government*
2 *or international organization or their agents.”.*

3 (2) *CLERICAL AMENDMENT.—The table of sec-*
4 *tions at the beginning of such chapter is amended by*
5 *inserting after the item relating to section 2601 the*
6 *following new item:*

“2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.”.

7 (b) *REPEAL OF SUPERCEDED PROVISION.—Section*
8 *8127 of the Department of Defense Appropriations Act,*
9 *2006 (division A of Public Law 109–148; 119 Stat. 2730;*
10 *10 U.S.C. 2601 note prec.) is repealed.*

11 (c) *APPLICATION OF EXISTING REGULATIONS.—Pend-*
12 *ing the issuance of the regulations required by subsection*
13 *(a) of section 2601a of title 10, United States Code, as*
14 *added by subsection (a), the regulations prescribed under*
15 *section 8127 of the Department of Defense Appropriations*
16 *Act, 2006 (division A of Public Law 109–148; 119 Stat.*
17 *2730; 10 U.S.C. 2601 note prec.) shall apply to the accept-*
18 *ance of gifts under such section 2601a.*

19 (d) *RETROACTIVE APPLICABILITY OF REGULATIONS.—*
20 *The regulations issued under subsection (a) of section 2601a*
21 *of title 10, United States Code, as added by subsection (a),*
22 *shall, to the extent provided in such regulations, also apply*
23 *to the acceptance of gifts during the period beginning on*

1 *September 11, 2001, and ending on the date on which such*
2 *regulations go into effect.*

3 **SEC. 597. REPORT ON PERFORMANCE AND IMPROVEMENTS**
4 **OF TRANSITION ASSISTANCE PROGRAM.**

5 (a) *REPORT REQUIRED.*—*The Secretary of Defense*
6 *shall prepare a report on the Transition Assistance Pro-*
7 *gram of the Department of Defense.*

8 (b) *ELEMENTS.*—*The report shall include the fol-*
9 *lowing:*

10 (1) *A statement and analysis of the rates of post-*
11 *separation employment rates compared with the gen-*
12 *eral population annually since September 11, 2001.*

13 (2) *A chronological summary of the evolution*
14 *and development of the Transition Assistance Pro-*
15 *gram since September 11, 2001.*

16 (3) *A description of efforts to transform the*
17 *Transition Assistance Program from one of end-of-*
18 *service transition to a life-cycle model, in which tran-*
19 *sition is considered throughout the career of a member*
20 *of the Armed Forces.*

21 (4) *An analysis of current and future challenges*
22 *members continue to face upon entering the civilian*
23 *work force, including a survey of the following indi-*
24 *viduals and organizations to identify strengths and*
25 *shortcomings in the Transition Assistance Program:*

1 *difficulty finding employment after their separation or*
2 *release.*

3 (2) *Some members who have served for long peri-*
4 *ods on active duty have the additional difficulty of*
5 *translating their military experience into skill sets for*
6 *civilian employment.*

7 (3) *Apprenticeship programs bring immense*
8 *value to the American workforce and to individuals*
9 *who participate in such programs.*

10 (4) *Apprenticeship programs assist in the build-*
11 *ing of résumés and skills of participants and help*
12 *connect participants with employers and job opportu-*
13 *nities.*

14 (5) *Military units returning from deployment*
15 *often operate at a reduced readiness status, which*
16 *would allow members who are assigned to the unit,*
17 *but who are in the process of being separated or re-*
18 *leased from active duty, to be available to participate*
19 *in apprenticeship programs.*

20 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
21 *that commanders of units of the Armed Forces should make*
22 *every effort to permit members of the Armed Forces who*
23 *are assigned to the unit, but who are in the process of being*
24 *separated or released from active duty, to participate in*
25 *an apprenticeship program that is registered under the Act*

1 of Aug. 16, 1937 (commonly known as the National Appren-
2 ticeship Act; 29 U.S.C. 50 et seq.).

3 (c) *ARMED FORCES DEFINED.*—In this section, the
4 term “Armed Forces” means the Army, Navy, Air Force,
5 and Marine Corps.

6 **TITLE VI—COMPENSATION AND**
7 **OTHER PERSONNEL BENEFITS**
8 **Subtitle A—Pay and Allowances**

9 **SEC. 601. FISCAL YEAR 2011 INCREASE IN MILITARY BASIC**
10 **PAY.**

11 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—The ad-
12 justment to become effective during fiscal year 2011 re-
13 quired by section 1009 of title 37, United States Code, in
14 the rates of monthly basic pay authorized members of the
15 uniformed services shall not be made.

16 (b) *INCREASE IN BASIC PAY.*—Effective on January
17 1, 2011, the rates of monthly basic pay for members of the
18 uniformed services are increased by 1.9 percent.

19 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**
20 **BER COUPLES WHEN ONE OR BOTH MEMBERS**
21 **ARE ON SEA DUTY.**

22 (a) *IN GENERAL.*—Subparagraph (C) of section
23 403(f)(2) of title 37, United States Code, is amended to read
24 as follows:

1 “(C) *Notwithstanding section 421 of this title, a mem-*
2 *ber of a uniformed service in a pay grade below pay grade*
3 *E-6 who is assigned to sea duty and is married to another*
4 *member of a uniformed service is entitled to a basic allow-*
5 *ance for housing subject to the limitations of subsection*
6 *(e).”.*

7 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
8 *section (a) shall take effect on January 1, 2011.*

9 **SEC. 603. ALLOWANCES FOR PURCHASE OF REQUIRED UNI-**
10 **FORMS AND EQUIPMENT.**

11 (a) *INITIAL ALLOWANCE FOR OFFICERS.*—*Section 415*
12 *of title 37, United States Code, is amended—*

13 (1) *in subsection (a)—*

14 (A) *by redesignating paragraphs (1)*
15 *through (4) as subparagraphs (A) through (D),*
16 *respectively;*

17 (B) *by inserting “ALLOWANCE FOR OFFI-*
18 *CERS IN THE ARMED FORCES.—(1)” after “(a)”;*

19 (C) *by striking “\$400” and inserting*
20 *“\$500”; and*

21 (D) *by adding at the end the following new*
22 *paragraph:*

23 “(2) *The Secretary of a military department, with the*
24 *approval of the Secretary of Defense, may increase the max-*
25 *imum amount of the allowance specified in paragraph (1)*

1 *for officers of an armed force under the jurisdiction of the*
2 *Secretary. The Secretary of Homeland Security, in the case*
3 *of the Coast Guard when it is not operating as a service*
4 *in the Navy, may increase the maximum amount of the*
5 *allowance specified in paragraph (1) for officers of the*
6 *Coast Guard.”;*

7 (2) *in subsection (b), by inserting “EXCEP-*
8 *TION.—” after “(b)”;* and

9 (3) *in subsection (c)—*

10 (A) *by redesignating paragraphs (1) and*

11 (2) *as subparagraphs (A) and (B), respectively;*

12 (B) *by striking “An allowance of \$250” and*
13 *inserting “PUBLIC HEALTH SERVICE ALLOW-*
14 *ANCE.—(1) An allowance of \$300”;* and

15 (C) *by inserting “(2)” before “An officer”.*

16 (b) *ADDITIONAL ALLOWANCES.—Section 416 of such*
17 *title is amended—*

18 (1) *in subsection (a), by striking “\$200” and in-*
19 *serting “\$250”;* and

20 (2) *in subsection (b)(1), by striking “\$400” and*
21 *inserting “\$500”.*

1 **SEC. 604. INCREASE IN AMOUNT OF FAMILY SEPARATION**
2 **ALLOWANCE.**

3 (a) *INCREASE.*—Section 427(a)(1) of title 37, United
4 States Code, is amended by striking “\$250” and inserting
5 “\$285”.

6 (b) *APPLICATION OF AMENDMENT.*—The amendment
7 made by subsection (a) shall take effect on October 1, 2010,
8 and apply with respect to months beginning on or after that
9 date.

10 **SEC. 605. ONE-TIME SPECIAL COMPENSATION FOR TRANSI-**
11 **TION OF ASSISTANTS PROVIDING AID AND**
12 **ATTENDANCE CARE TO MEMBERS OF THE**
13 **UNIFORMED SERVICES WITH CATASTROPHIC**
14 **INJURIES OR ILLNESSES.**

15 (a) *TRANSITION COMPENSATION AUTHORIZED.*—Sec-
16 tion 439 of title 37, United States Code, is amended—

17 (1) by redesignating subsections (e) through (h)
18 as subsections (f) through (i), respectively; and

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

21 “(e) *ONE-TIME TRANSITIONAL COMPENSATION AU-*
22 *THORIZED.*—In addition to monthly special compensation
23 payable under subsection (a), the Secretary concerned may
24 pay to a member eligible for monthly special compensation
25 a one-time payment of not more than \$3,500 for the transi-

1 *tion of assistants providing aid and attendance care to the*
2 *member as described in subsection (b)(2).”.*

3 *(b) CONFORMING AND CLERICAL AMENDMENTS.—Such*
4 *section is further amended—*

5 *(1) in subsection (c), by inserting “OF MONTHLY*
6 *COMPENSATION” after “AMOUNT”;*

7 *(2) in subsection (d), by inserting “OF MONTHLY*
8 *COMPENSATION” after “DURATION”; and*

9 *(3) in subsection (f), as redesignated by sub-*
10 *section (a)(1), by striking “Monthly special com-*
11 *penetration payable to a member under this section”*
12 *and inserting “Special compensation paid to a mem-*
13 *ber under subsection (a) or (e)”.*

14 **SEC. 606. EXPANSION OF DEFINITION OF SENIOR ENLISTED**
15 **MEMBER TO INCLUDE SENIOR ENLISTED**
16 **MEMBER SERVING WITHIN A COMBATANT**
17 **COMMAND.**

18 *(a) BASIC PAY.—On and after January 1, 2011, for*
19 *purposes of establishing the rates of monthly basic pay for*
20 *members of the uniformed services, the senior enlisted mem-*
21 *ber of the Armed Forces serving within a combatant com-*
22 *mand (as defined in section 161(c) of title 10, United States*
23 *Code) shall be treated in the same manner as the Sergeant*
24 *Major of the Army, Master Chief Petty Officer of the Navy,*
25 *Chief Master Sergeant of the Air Force, Sergeant Major of*

1 *the Marine Corps, Master Chief Petty Officer of the Coast*
2 *Guard, and Senior Enlisted Advisor to the Chairman of*
3 *the Joint Chiefs of Staff.*

4 (b) *RATE OF BASIC PAY USED TO DETERMINE RE-*
5 *TIRED PAY BASE.*—Section 1406(i)(3)(B) of title 10,
6 *United States Code, is amended by adding at the end the*
7 *following new clause:*

8 “(vii) *Senior enlisted member serving*
9 *within a combatant command (as defined*
10 *in section 161(c) of this title).”.*

11 (c) *PAY DURING TERMINAL LEAVE AND WHILE HOS-*
12 *PITALIZED.*—Section 210(c) of title 37, *United States Code,*
13 *is amended by adding at the end the following new para-*
14 *graph:*

15 “(7) *The senior enlisted member serving within*
16 *a combatant command (as defined in section 161(c)*
17 *of title 10).”.*

18 **SEC. 607. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN**
19 **EMPLOYEES FOR RESERVIST INCOME RE-**
20 **PLACEMENT PAYMENTS ON ACCOUNT OF**
21 **AVAILABILITY OF COMPARABLE BENEFITS**
22 **UNDER ANOTHER PROGRAM.**

23 (a) *INELIGIBILITY FOR PAYMENTS.*—Section 910(b) of
24 *title 37, United States Code, is amended by adding at the*
25 *end the following new paragraph:*

1 “(3) *A member of a reserve component who is otherwise*
2 *entitled to a payment under this section is not entitled to*
3 *the payment for any month during which the member is*
4 *also a civilian employee of the Federal Government entitled*
5 *to—*

6 “(A) *a differential payment under section 5538*
7 *of title 5; or*

8 “(B) *a comparable benefit under an administra-*
9 *tively established program for civilian employees ab-*
10 *sent from a position of employment with the Federal*
11 *Government in order to perform active duty in the*
12 *uniformed services.”.*

13 ***(b) EFFECTIVE DATE.***—*Subsection (b)(3) of section*
14 *910 of title 37, United States Code, as added by subsection*
15 *(a), shall apply with respect to payments under such section*
16 *for months beginning on or after the date of the enactment*
17 *of this Act.*

18 ***Subtitle B—Bonuses and Special***
19 ***and Incentive Pays***

20 ***SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND***
21 ***SPECIAL PAY AUTHORITIES FOR RESERVE***
22 ***FORCES.***

23 *The following sections of title 37, United States Code,*
24 *are amended by striking “December 31, 2010” and insert-*
25 *ing “December 31, 2011”:*

1 (1) *Section 308b(g), relating to Selected Reserve*
2 *reenlistment bonus.*

3 (2) *Section 308c(i), relating to Selected Reserve*
4 *affiliation or enlistment bonus.*

5 (3) *Section 308d(c), relating to special pay for*
6 *enlisted members assigned to certain high-priority*
7 *units.*

8 (4) *Section 308g(f)(2), relating to Ready Reserve*
9 *enlistment bonus for persons without prior service.*

10 (5) *Section 308h(e), relating to Ready Reserve*
11 *enlistment and reenlistment bonus for persons with*
12 *prior service.*

13 (6) *Section 308i(f), relating to Selected Reserve*
14 *enlistment and reenlistment bonus for persons with*
15 *prior service.*

16 (7) *Section 910(g), relating to income replace-*
17 *ment payments for reserve component members expe-*
18 *riencing extended and frequent mobilization for active*
19 *duty service.*

20 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
21 **SPECIAL PAY AUTHORITIES FOR HEALTH**
22 **CARE PROFESSIONALS.**

23 (a) *TITLE 10 AUTHORITIES.*—*The following sections*
24 *of title 10, United States Code, are amended by striking*
25 *“December 31, 2010” and inserting “December 31, 2011”:*

1 (1) *Section 2130a(a)(1), relating to nurse officer*
2 *candidate accession program.*

3 (2) *Section 16302(d), relating to repayment of*
4 *education loans for certain health professionals who*
5 *serve in the Selected Reserve.*

6 (b) *TITLE 37 AUTHORITIES.—The following sections of*
7 *title 37, United States Code, are amended by striking “De-*
8 *cember 31, 2010” and inserting “December 31, 2011”:*

9 (1) *Section 302c-1(f), relating to accession and*
10 *retention bonuses for psychologists.*

11 (2) *Section 302d(a)(1), relating to accession*
12 *bonus for registered nurses.*

13 (3) *Section 302e(a)(1), relating to incentive spe-*
14 *cial pay for nurse anesthetists.*

15 (4) *Section 302g(e), relating to special pay for*
16 *Selected Reserve health professionals in critically*
17 *short wartime specialties.*

18 (5) *Section 302h(a)(1), relating to accession*
19 *bonus for dental officers.*

20 (6) *Section 302j(a), relating to accession bonus*
21 *for pharmacy officers.*

22 (7) *Section 302k(f), relating to accession bonus*
23 *for medical officers in critically short wartime spe-*
24 *cialties.*

1 (8) *Section 302l(g), relating to accession bonus*
2 *for dental specialist officers in critically short war-*
3 *time specialties.*

4 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
5 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
6 **CERS.**

7 *The following sections of title 37, United States Code,*
8 *are amended by striking “December 31, 2010” and insert-*
9 *ing “December 31, 2011”:*

10 (1) *Section 312(f), relating to special pay for*
11 *nuclear-qualified officers extending period of active*
12 *service.*

13 (2) *Section 312b(c), relating to nuclear career*
14 *accession bonus.*

15 (3) *Section 312c(d), relating to nuclear career*
16 *annual incentive bonus.*

17 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
19 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
20 **TIES.**

21 *The following sections of title 37, United States Code,*
22 *are amended by striking “December 31, 2010” and insert-*
23 *ing “December 31, 2011”:*

24 (1) *Section 331(h), relating to general bonus au-*
25 *thority for enlisted members.*

1 (2) *Section 332(g), relating to general bonus au-*
2 *thority for officers.*

3 (3) *Section 333(i), relating to special bonus and*
4 *incentive pay authorities for nuclear officers.*

5 (4) *Section 334(i), relating to special aviation*
6 *incentive pay and bonus authorities for officers.*

7 (5) *Section 335(k), relating to special bonus and*
8 *incentive pay authorities for officers in health profes-*
9 *sions.*

10 (6) *Section 351(i), relating to hazardous duty*
11 *pay.*

12 (7) *Section 352(g), relating to assignment pay or*
13 *special duty pay.*

14 (8) *Section 353(j), relating to skill incentive pay*
15 *or proficiency bonus.*

16 (9) *Section 355(i), relating to retention incen-*
17 *tives for members qualified in critical military skills*
18 *or assigned to high priority units.*

19 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
20 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
21 **NUSES AND SPECIAL PAYS.**

22 *The following sections of chapter 5 of title 37, United*
23 *States Code, are amended by striking “December 31, 2010”*
24 *and inserting “December 31, 2011”:*

1 (1) *Section 301b(a), relating to aviation officer*
2 *retention bonus.*

3 (2) *Section 307a(g), relating to assignment in-*
4 *centive pay.*

5 (3) *Section 308(g), relating to reenlistment*
6 *bonus for active members.*

7 (4) *Section 309(e), relating to enlistment bonus.*

8 (5) *Section 324(g), relating to accession bonus*
9 *for new officers in critical skills.*

10 (6) *Section 326(g), relating to incentive bonus*
11 *for conversion to military occupational specialty to*
12 *ease personnel shortage.*

13 (7) *Section 327(h), relating to incentive bonus*
14 *for transfer between armed forces.*

15 (8) *Section 330(f), relating to accession bonus for*
16 *officer candidates.*

17 **SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO PAYMENT OF REFERRAL BONUSES.**

19 *The following sections of title 10, United States Code,*
20 *are amended by striking “December 31, 2010” and insert-*
21 *ing “December 31, 2011”:*

22 (1) *Section 1030(i), relating to health professions*
23 *referral bonus.*

24 (2) *Section 3252(h), relating to Army referral*
25 *bonus.*

1 **SEC. 617. TREATMENT OF OFFICERS TRANSFERRING BE-**
2 **TWEEN ARMED FORCES FOR RECEIPT OF**
3 **AVIATION CAREER SPECIAL PAY.**

4 *Section 301b of title 37, United States Code, is amend-*
5 *ed—*

6 *(1) by redesignating subsections (h), (i), and (j)*
7 *as subsections (i), (j), and (k), respectively; and*

8 *(2) by inserting after subsection (g) the following*
9 *new subsection (h):*

10 *“(h) TREATMENT OF OFFICERS TRANSFERRING FROM*
11 *ONE ARMED FORCE TO ANOTHER.—(1) An officer who*
12 *transfers from one armed force to another armed force shall*
13 *receive the same compensation under this section as other*
14 *officers in that armed force with the same number of years*
15 *of aviation service performing similar aviation duties in*
16 *the same weapon system, notwithstanding any additional*
17 *active duty service obligation incurred as a result of the*
18 *transfer.*

19 *“(2) Until December 31, 2015, the Secretary concerned*
20 *shall continue, regardless of the number of years of aviation*
21 *service of an officer, to pay compensation under this section*
22 *to an officer who transferred or transfers from one armed*
23 *force to an armed force under the jurisdiction of the Sec-*
24 *retary concerned until the officer receives the same number*
25 *of years of benefits as officers in that armed force with the*
26 *same number of years of aviation service performing simi-*

1 *lar aviation duties in the same weapon system. In calcu-*
2 *lating the years of benefits received, the Secretary concerned*
3 *shall include any year during which the officer received*
4 *compensation under this section before the transfer.*

5 “(3) *An officer may not receive compensation under*
6 *paragraph (2) for any period during which the officer is*
7 *not qualified for compensation under subsection (b).”.*

8 **SEC. 618. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY**
9 **FOR DUTY SUBJECT TO HOSTILE FIRE OR IM-**
10 **MINENT DANGER OR FOR DUTY IN FOREIGN**
11 **AREA DESIGNATED AS AN IMMINENT DANGER**
12 **AREA.**

13 (a) *SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE*
14 *FIRE OR IMMINENT DANGER.*—*Section 310(b)(1) of title 37,*
15 *United States Code, is amended by striking “\$225 a month”*
16 *and inserting “\$260 a month”.*

17 (b) *HAZARDOUS DUTY PAY.*—*Section 351(b)(3) of*
18 *such title is amended by striking “\$250 per month” and*
19 *inserting “\$260 per month”.*

20 (c) *APPLICATION OF AMENDMENTS.*—*The amendments*
21 *made by this section shall take effect on October 1, 2010,*
22 *and apply with respect to months beginning on or after that*
23 *date.*

1 **SEC. 619. SPECIAL PAYMENT TO MEMBERS OF THE ARMED**
2 **FORCES AND CIVILIAN EMPLOYEES OF THE**
3 **DEPARTMENT OF DEFENSE KILLED OR**
4 **WOUNDED IN ATTACKS DIRECTED AT MEM-**
5 **BERS OR EMPLOYEES OUTSIDE OF COMBAT**
6 **ZONE, INCLUDING THOSE KILLED OR WOUND-**
7 **ED IN CERTAIN 2009 ATTACKS.**

8 *(a) TREATMENT OF MEMBERS AND CIVILIANS KILLED*
9 *OR WOUNDED IN CERTAIN 2009 ATTACKS.—*

10 *(1) TREATMENT.—For purposes of all applicable*
11 *Federal laws, regulations, and policies, a member of*
12 *the Armed Forces or civilian employee of the Depart-*
13 *ment of Defense who was killed or wounded in an at-*
14 *tack described in paragraph (2) shall be deemed as*
15 *follows:*

16 *(A) In the case of a member, to have been*
17 *killed or wounded in a combat zone as the result*
18 *of an act of an enemy of the United States.*

19 *(B) In the case of a civilian employee of the*
20 *Department of Defense, to have been killed or*
21 *wounded as the result of an act of an enemy of*
22 *the United States while serving with the Armed*
23 *Forces in a contingency operation.*

24 *(2) ATTACKS DESCRIBED.—Paragraph (1) ap-*
25 *plies to—*

1 (A) *the attack that occurred at Fort Hood,*
2 *Texas, on November 5, 2009; and*

3 (B) *the attack that occurred at a recruiting*
4 *station in Little Rock, Arkansas, on June 1,*
5 *2009.*

6 (3) *EXCEPTION.—Paragraph (1) shall not apply*
7 *to a member of the Armed Forces or a civilian em-*
8 *ployee of the Department of Defense whose death or*
9 *wound as described in paragraph (1) is the result of*
10 *the misconduct of the member or employee, as deter-*
11 *mined by the Secretary of Defense.*

12 (b) *NEW SPECIAL PAYMENT.—*

13 (1) *IN GENERAL.—Chapter 17 of title 37, United*
14 *States Code, is amended by adding at the end the fol-*
15 *lowing new section:*

16 “**§911. Special payment to members of the armed**
17 **forces and civilian employees of the De-**
18 **partment of Defense killed or wounded in**
19 **attacks directed at members or employees**
20 **outside of combat zone**

21 “(a) *SPECIAL PAYMENT REQUIRED.—The Secretary of*
22 *Defense shall pay to a member of the armed forces or a*
23 *civilian employee of the Department of Defense who is*
24 *wounded in an attack under the circumstances described*
25 *in subsection (b), or to an eligible survivor if the member*

1 *or employee is killed in the attack or dies from wounds sus-*
2 *tained in the attack, an amount of compensation equal to*
3 *the amount determined in subsection (c) that would have*
4 *accrued—*

5 “(1) *in the case of a member, on behalf of a*
6 *member killed or wounded in a combat zone; and*

7 “(2) *in the case of an employee, on behalf of an*
8 *employee killed or wounded while serving with the*
9 *Armed Forces in a contingency operation.*

10 “(b) *COVERED ATTACKS.—*

11 “(1) *ATTACKS DESCRIBED.—Except as provided*
12 *in paragraph (2), an attack covered by subsection (a)*
13 *is any assault or battery resulting in bodily injury*
14 *or death committed by an individual who the Sec-*
15 *retary of Defense determines knowingly targeted—*

16 “(A) *a member of the armed forces on ac-*
17 *count of the military service of the member or*
18 *the status of member as a member of the Armed*
19 *Forces; or*

20 “(B) *a civilian employee of the Department*
21 *of Defense on account of the employee’s employ-*
22 *ment with the Department of Defense or affili-*
23 *ation with the Department of Defense.*

24 “(2) *GEOGRAPHIC EXCLUSION.—Subsection (a)*
25 *does not apply to any attack that—*

1 “(A) occurs in a combat zone; or

2 “(B) in the case of a civilian employee of
3 the Department, occurs while the employee is
4 serving with the armed forces in a contingency
5 operation.

6 “(c) *CALCULATION OF COMPENSATION AMOUNT.*—The
7 Secretary of Defense shall identify, in consultation with all
8 relevant Federal agencies, including the Department of Vet-
9 erans Affairs and the Internal Revenue Service, all Federal
10 benefits provided to members of the armed forces and civil-
11 ian employees of the Department of Defense killed or
12 wounded in a combat zone, including special pays and the
13 value of Federal tax advantages accruing because certain
14 benefits are not subject to Federal income tax. The Secretary
15 shall exclude from the calculation any Federal benefits pro-
16 vided regardless of the geographic location or circumstances
17 of the death or injuries.

18 “(d) *EXCLUSION OF CERTAIN INDIVIDUALS.*—Sub-
19 section (a) shall not apply to a member of the armed forces
20 or civilian employee of the Department of Defense whose
21 death or wound as described in subsection (b) is the result
22 of the misconduct of the member or employee, as determined
23 by the Secretary of Defense.

24 “(e) *DEFINITIONS.*—In this section:

1 “(1) *The term ‘armed forces’ means the Army,*
2 *Navy, Air Force, and Marine Corps.*

3 “(2) *The term ‘combat zone’ means a combat op-*
4 *eration or combat zone designated by the Secretary of*
5 *Defense.*

6 “(3) *The term ‘eligible survivor’ refers to the per-*
7 *sons eligible to receive a death gratuity payment*
8 *under section 1477 of title 10. In the case of a de-*
9 *ceased member or employee, the eligible survivor who*
10 *will receive the payment under subsection (a) shall be*
11 *determined as provided in such section.”.*

12 (2) *CLERICAL AMENDMENT.—The table of sec-*
13 *tions at the beginning of such chapter is amended by*
14 *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 directed
 at members or employees outside of combat zone.”.

15 (3) *RETROACTIVE APPLICATION.—Section 911 of*
16 *title 37, United States Code, as added by paragraph*
17 *(1), shall apply to any attack described in subsection*
18 *(b) of such section occurring on or after November 6,*
19 *2009.*

20 (c) *PURPLE HEART.—This section and the amend-*
21 *ments made by this section shall not be construed to pro-*
22 *hibit, authorize, or require the award of the Purple Heart*
23 *to any member of the Armed Forces.*

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL**
4 **AND TRANSPORTATION ALLOWANCES FOR IN-**
5 **ACTIVE DUTY TRAINING OUTSIDE OF NOR-**
6 **MAL COMMUTING DISTANCES.**

7 *Section 408a(e) of title 37, United States Code, is*
8 *amended by striking “December 31, 2010” and inserting*
9 *“December 31, 2011”.*

10 **SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES**
11 **FOR ATTENDANCE OF DESIGNATED PERSONS**
12 **AT YELLOW RIBBON REINTEGRATION**
13 **EVENTS.**

14 *(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—*

15 *(1) IN GENERAL.—Chapter 7 of title 37, United*
16 *States Code, is amended by inserting after section*
17 *411k the following new section:*

18 **“§411l. Travel and transportation allowances: attend-**
19 **ance of designated persons at Yellow Rib-**
20 **bon Reintegration events**

21 *“(a) ALLOWANCE TO FACILITATE ATTENDANCE.—*
22 *Under uniform regulations prescribed by the Secretaries*
23 *concerned, travel and transportation described in subsection*
24 *(c) may be provided for a person designated pursuant to*
25 *subsection (b) to attend an event conducted under the Yellow*

1 *Ribbon Reintegration Program established pursuant to sec-*
2 *tion 582 of the National Defense Authorization Act for Fis-*
3 *cal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note)*
4 *if the Secretary concerned determines that the presence of*
5 *the person may contribute to the purposes of the event.*

6 “(b) *COVERED PERSONS.*—*A member of the uniformed*
7 *services who is eligible to attend a Yellow Ribbon Reintegra-*
8 *tion Program event may designate one or more persons, in-*
9 *cluding another member of the uniformed services, for pur-*
10 *poses of receiving travel and transportation described in*
11 *subsection (c) to attend a Yellow Ribbon Reintegration Pro-*
12 *gram event. The designation of a person for purposes of this*
13 *section may be changed at any time.*

14 “(c) *AUTHORIZED TRAVEL AND TRANSPORTATION.*—
15 (1) *The transportation authorized by subsection (a) for a*
16 *person designated under subsection (b) is round-trip trans-*
17 *portation between the home or place of business of the per-*
18 *son and the location of the Yellow Ribbon Reintegration*
19 *Program event.*

20 “(2) *In addition to the transportation authorized by*
21 *subsection (a), the Secretary concerned may provide a per*
22 *diem allowance or reimbursement for the actual and nec-*
23 *essary expenses of the travel, or a combination thereof, but*
24 *not to exceed the rates established under section 404(d) of*
25 *this title.*

1 “(3) *The transportation authorized by subsection (a)*
2 *may be provided by any of the following means:*

3 “(A) *Transportation in-kind.*

4 “(B) *A monetary allowance in place of transpor-*
5 *tation in-kind at a rate to be prescribed by the Secre-*
6 *taries concerned.*

7 “(C) *Reimbursement for the commercial cost of*
8 *transportation.*

9 “(4) *An allowance payable under this subsection may*
10 *be paid in advance.*

11 “(5) *Reimbursement payable under this subsection*
12 *may not exceed the cost of Government-procured commercial*
13 *round-trip air travel.”.*

14 (2) *CLERICAL AMENDMENT.—The table of sec-*
15 *tions at the beginning of such chapter is amended by*
16 *inserting after the item related to section 411k the fol-*
17 *lowing new item:*

*“411l. Travel and transportation allowances: attendance of designated persons at
Yellow Ribbon Reintegration events.”.*

18 (b) *APPLICABILITY.—No reimbursement may be pro-*
19 *vided under section 411l of title 37, United States Code,*
20 *as added by subsection (a), for travel and transportation*
21 *costs incurred before September 30, 2010.*

1 **SEC. 633. MILEAGE REIMBURSEMENT FOR USE OF PRI-**
2 **VATELY OWNED VEHICLES.**

3 (a) *USE OF SINGLE STANDARD MILEAGE RATE ES-*
4 *TABLISHED BY IRS.*—Section 5704(a)(1) of title 5, United
5 States Code, is amended by striking “shall not exceed” and
6 inserting “shall be equal to”.

7 (b) *PRESCRIPTION OF MILEAGE REIMBURSEMENT*
8 *RATES.*—Section 5707(b) of such title is amended—

9 (1) in paragraph (1), by striking subparagraph
10 (A) and inserting the following new subparagraph:

11 “(A) The Administrator of General Services shall
12 conduct periodic investigations of the cost of travel
13 and the operation of privately owned airplanes and
14 privately owned motorcycles by employees while en-
15 gaged on official business, and shall report the results
16 of such investigations to Congress at least once a
17 year.”; and

18 (2) in paragraph (2)(A), by striking clause (i)
19 and inserting the following new clause:

20 “(i) shall prescribe a mileage reimburse-
21 ment rate for privately owned automobiles which
22 equals, as provided in section 5704(a)(1) of this
23 title, the single standard mileage rate established
24 by the Internal Revenue Service, and”.

1 ***Subtitle D—Retired Pay and***
2 ***Survivor Benefits***

3 ***SEC. 641. ELIMINATION OF CAP ON RETIRED PAY MULTI-***
4 ***PLIER FOR MEMBERS WITH GREATER THAN***
5 ***30 YEARS OF SERVICE WHO RETIRE FOR DIS-***
6 ***ABILITY.***

7 *(a) COMPUTATION OF RETIRED PAY.—The table in*
8 *section 1401(a) of title 10, United States Code, is amend-*
9 *ed—*

10 *(1) in the column designated “Column 2”, by in-*
11 *serting “, not to exceed 75%,” after “percentage of*
12 *disability” both places it appears; and*

13 *(2) by striking column 4.*

14 *(b) RECOMPUTATION OF RETIRED OR RETAINER PAY*
15 *TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO*
16 *FIRST BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—*
17 *The table in section 1402(d) of such title is amended—*

18 *(1) in the column designated “Column 2”, by in-*
19 *serting “, not to exceed 75%,” after “percentage of*
20 *disability”; and*

21 *(2) by striking column 4.*

22 *(c) RECOMPUTATION OF RETIRED OR RETAINER PAY*
23 *TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO*
24 *FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—*
25 *The table in section 1402a(d) of such title is amended—*

1 (1) *in the column designated “Column 2”, by in-*
2 *serting “, not to exceed 75 percent,” after “percentage*
3 *of disability”; and*

4 (2) *by striking column 4.*

5 (d) *APPLICATION OF AMENDMENTS.—The tables in sec-*
6 *tions 1401(a), 1402(d), and 1402a(d) of title 10, United*
7 *States Code, as in effect on the day before the date of the*
8 *enactment of this Act, shall continue to apply to the com-*
9 *putation or recomputation of retired or retainer pay for*
10 *persons who first became entitled to retired or retainer pay*
11 *under subtitle A of such title on or before the date of the*
12 *enactment of this Act. The amendments made by this sec-*
13 *tion shall apply only with respect to persons who first be-*
14 *come entitled to retired or retainer pay under such subtitle*
15 *after that date.*

16 **SEC. 642. EQUITY IN COMPUTATION OF DISABILITY RE-**
17 **TIRED PAY FOR RESERVE COMPONENT MEM-**
18 **BERS WOUNDED IN ACTION.**

19 *Section 1208(b) of title 10, United States Code, is*
20 *amended by adding at the end the following new sentence:*
21 *“However, in the case of such a member who is retired*
22 *under this chapter, or whose name is placed on the tem-*
23 *porary disability retired list under this chapter, because of*
24 *a disability incurred after the date of the enactment of the*
25 *National Defense Authorization Act for Fiscal Year 2011,*

1 *for which the member is awarded the Purple Heart, the*
2 *member shall be credited, for the purposes of this chapter,*
3 *with the number of years of service that would be counted*
4 *if computing the member's years of service under section*
5 *12732 of this title.”.*

6 **SEC. 643. ELIMINATION OF THE AGE REQUIREMENT FOR**
7 **HEALTH CARE BENEFITS FOR NON-REGULAR**
8 **SERVICE RETIREES.**

9 *Section 1074(b) of title 10, United States Code, is*
10 *amended—*

11 *(1) by striking “(1)”;* and

12 *(2) by striking paragraph (2).*

13 **SEC. 644. CLARIFICATION OF EFFECT OF ORDERING RE-**
14 **SERVE COMPONENT MEMBER TO ACTIVE**
15 **DUTY TO RECEIVE AUTHORIZED MEDICAL**
16 **CARE ON REDUCING ELIGIBILITY AGE FOR**
17 **RECEIPT OF NON-REGULAR SERVICE RE-**
18 **TIRED PAY.**

19 *Section 12731(f)(2)(B) of title 10, United States Code,*
20 *is amended by adding at the end the following new clause:*

21 *“(iii) If a member described in subparagraph (A) is*
22 *wounded or otherwise injured or becomes ill while serving*
23 *on active duty pursuant to a call or order to active duty*
24 *under a provision of law referred to in the first sentence*
25 *of clause (i) or in clause (ii), and the member is then or-*

1 *dered to active duty under section 12301(h)(1) of this title*
2 *to receive medical care for the wound injury, or illness, each*
3 *day of active duty under that order for medical care shall*
4 *be treated as a continuation of the original call or order*
5 *to active duty for purposes of reducing the eligibility age*
6 *of the member under this paragraph.”.*

7 **SEC. 645. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR**
8 **RECIPIENTS OF PRE-SURVIVOR BENEFIT**
9 **PLAN ANNUITY AFFECTED BY REQUIRED OFF-**
10 **SET FOR DEPENDENCY AND INDEMNITY COM-**
11 **PENSATION.**

12 *Section 644 of the National Defense Authorization Act*
13 *for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448*
14 *note) is amended—*

15 *(1) by redesignating subsections (c), (d), and (e)*
16 *as subsections (d), (e), and (f), respectively; and*

17 *(2) by inserting after subsection (b) the following*
18 *new subsection:*

19 *“(c) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—(1)*
20 *The Secretary concerned shall pay a monthly special sur-*
21 *vivor indemnity allowance under this subsection to a quali-*
22 *fied surviving spouse described in subsection (a) if—*

23 *“(A) the surviving spouse is entitled to depend-*
24 *ency and indemnity compensation under section*
25 *1311(a) of title 38, United States Code; and*

1 “(B) the amount of the annuity to which the sur-
2 viving spouse is entitled under subsection (b) is af-
3 fected by paragraph (2)(A) of such subsection.

4 “(2) Subject to paragraph (3), the amount of the spe-
5 cial survivor indemnity allowance paid to surviving spouse
6 under paragraph (1) for a month shall be equal to—

7 “(A) for months during fiscal year 2009, \$50;

8 “(B) for months during fiscal year 2010, \$60;

9 “(C) for months during fiscal year 2011, \$70;

10 “(D) for months during fiscal year 2012, \$80;

11 “(E) for months during fiscal year 2013, \$90;

12 “(F) for months during fiscal year 2014, \$150;

13 “(G) for months during fiscal year 2015, \$200;

14 “(H) for months during fiscal year 2016, \$275;

15 and

16 “(I) for months during fiscal year 2017, \$310.

17 “(3) The amount of the special survivor indemnity al-
18 lowance paid to an eligible survivor under paragraph (1)
19 for any month may not exceed the amount of the annuity
20 for that month that is subject to offset under subsection
21 (b)(2)(A)

22 “(4) A special survivor indemnity allowance paid
23 under paragraph (1) does not constitute an annuity, and
24 amounts so paid are not subject to adjustment under any
25 other provision of law.

1 (1) *by striking “Amounts” and inserting “(a)*
2 *ROUNDING.—Amounts”*; and

3 (2) *by adding at the end the following new sub-*
4 *section:*

5 “(b) *PAYMENT DATE.—Amounts of retired pay and re-*
6 *tainer pay due a retired member of the uniformed services*
7 *shall be paid on the first day of each month beginning after*
8 *the month in which the right to such pay accrues.”.*

9 (b) *CLERICAL AMENDMENTS.—*

10 (1) *SECTION HEADING.—The heading of such sec-*
11 *tion is amended to read as follows:*

12 **“§ 1412. Administrative provisions”.**

13 (2) *TABLE OF SECTIONS.—The table of sections*
14 *at the beginning of chapter 71 of such title is amend-*
15 *ed by striking the item relating to section 1412 and*
16 *inserting the following new item:*

 “1412. *Administrative provisions.*”.

17 (c) *EFFECTIVE DATE.—Subsection (b) of section 1412*
18 *of title 10, United States Code, as added by subsection (a),*
19 *shall apply beginning with the first month that begins more*
20 *than 30 days after the date of the enactment of this Act.*

1 ***Subtitle E—Commissary and Non-***
2 ***appropriated Fund Instrumen-***
3 ***tality Benefits and Operations***

4 ***SEC. 651. SHARED CONSTRUCTION COSTS FOR SHOPPING***
5 ***MALLS OR SIMILAR FACILITIES CONTAINING***
6 ***A COMMISSARY STORE AND ONE OR MORE***
7 ***NONAPPROPRIATED FUND INSTRUMEN-***
8 ***TALITY ACTIVITIES.***

9 *Section 2484(h)(2) of title 10, United States Code, is*
10 *amended—*

11 *(1) by redesignating subparagraph (B) as sub-*
12 *paragraph (C) and, in such subparagraph, by strik-*
13 *ing “subparagraph (A)” and inserting “this para-*
14 *graph”;*

15 *(2) in the first sentence of subparagraph (A), by*
16 *inserting “the Defense Commissary Agency or” after*
17 *“may authorize”;*

18 *(3) by designating the second sentence of sub-*
19 *paragraph (A) as subparagraph (B) and, in such sub-*
20 *paragraph, by striking “The Secretary may” and in-*
21 *serting the following: “If the construction contract is*
22 *entered into by a nonappropriated fund instrumen-*
23 *tality, the Secretary of Defense may”;* and

24 *(4) by adding at the end of subparagraph (B),*
25 *as designated by paragraph (3), the following new*

1 *contentment, or physical or mental improvement of mem-*
2 *bers of the Armed Forces.”.*

3 **SEC. 653. FEASIBILITY STUDY ON ESTABLISHMENT OF FULL**
4 **EXCHANGE STORE IN THE NORTHERN MAR-**
5 **IANA ISLANDS.**

6 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
7 *conduct a study to determine the feasibility of replacing the*
8 *“Shoppette” of the Army and Air Force Exchange Service*
9 *in the Northern Mariana Islands with a full-service ex-*
10 *change store. In conducting the study, the Secretary shall*
11 *consider the welfare of members of the Armed Forces serving*
12 *in the Northern Mariana Islands and dependents of mem-*
13 *bers residing in the Northern Mariana Islands.*

14 (b) *SUBMISSION OF RESULTS.*—*Not later than 180*
15 *days after the date of the enactment of this Act, the Sec-*
16 *retary of Defense shall submit to Congress a report con-*
17 *taining the results of the study conducted under subsection*
18 *(a).*

1 ***Subtitle F—Alternative Career***
2 ***Track Pilot Program***

3 ***SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CA-***
4 ***REER TRACK FOR COMMISSIONED OFFICERS***
5 ***TO FACILITATE AN INCREASED COMMITMENT***
6 ***TO ACADEMIC AND PROFESSIONAL EDU-***
7 ***CATION AND CAREER-BROADENING ASSIGN-***
8 ***MENTS.***

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 offi-***
13 ***cers 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 accepted
12 under subparagraph (B) or (C) of paragraph (1) to facili-
13 tate the separation or retirement of a participant in the
14 program.

15 “(3) The program shall be known as the ‘Alternative
16 Career Track Pilot Program’ (in this section referred to as
17 the ‘program’).

18 “(b) *ELIGIBLE OFFICERS.*—Commissioned officers
19 with between 13 and 18 years of service are eligible to vol-
20 unteer to participate in the program.

21 “(c) *NUMBER OF PARTICIPANTS.*—No more than 50 of-
22 ficers of each armed force may be selected per year to par-
23 ticipate 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 or title 37.*

5 “(2) *The Secretaries of the military departments may*
6 *establish separation and retirement policies for officers par-*
7 *ticipating in the program without regard to grade and*
8 *years of service requirements established under this title.*

9 “(3) *Participants serving in a grade below brigadier*
10 *general or rear admiral (lower half) may serve in the grade*
11 *without regard to the limits on the number of officers in*
12 *the grade established under this title.*

13 “(e) *TREATMENT OF GENERAL AND FLAG OFFICER*
14 *PARTICIPANTS.—(1) A participant serving in a grade above*
15 *colonel, or captain in the Navy, but below lieutenant gen-*
16 *eral or vice admiral, shall be—*

17 “(A) *counted for purposes of general officer and*
18 *flag officer limits on grade and the total number serv-*
19 *ing as general officers and flag officers, if the partici-*
20 *part is serving in a position requiring the assign-*
21 *ment of a military officer; but*

22 “(B) *excluded from limits on grade and the total*
23 *number serving as general officers and flag officers, if*
24 *the participant is serving in a position not typically*
25 *occupied by a military officer.*

1 “(2) *A participant serving in the grade of lieutenant*
2 *general, vice admiral, general, or admiral shall be counted*
3 *for purposes of general officer and flag officer limits on*
4 *grade and the total number serving as general officers and*
5 *flag officers.*

6 “(f) *RETURN TO STANDARD CAREER PATH; EF-*
7 *FECT.—(1) The Secretaries of the military departments re-*
8 *tain the authority to involuntarily return an officer to the*
9 *standard career path.*

10 “(2) *The Secretary of the military department con-*
11 *cerned may return an officer to the standard career path*
12 *at the request of the officer.*

13 “(3) *If the program is terminated pursuant to para-*
14 *graph (4) or (5) of subsection (i), officers participating in*
15 *the program at the time of the termination shall be returned*
16 *to the standard career path.*

17 “(4) *An officer returned to the standard career path*
18 *under paragraph (1), (2), or (3) shall retain the grade,*
19 *date-of-rank, and basic pay level earned while a participant*
20 *in the program but shall revert to the special and incentive*
21 *pay authorities established in title 37 upon the expiration*
22 *of the agreement between the Secretary and the officer pro-*
23 *viding any special and incentive pays under the program.*
24 *Subsequent increases in the officer’s rate of monthly basic*

1 *pay shall conform to the annual percentage increases in*
2 *basic pay rates provided in the basic pay table.*

3 “(g) *ANNUAL REPORT.*—(1) *The Secretaries of the*
4 *military departments, in cooperation with the Secretary of*
5 *Defense, shall submit to the Committees on Armed Services*
6 *of the Senate and House of Representatives an annual re-*
7 *port containing the findings and recommendations of the*
8 *Secretary of Defense and the Secretaries of the military de-*
9 *partments concerning the progress of the program for each*
10 *armed force.*

11 “(2) *The Secretary of a military department, with the*
12 *consent of the Secretary of Defense, may include in the re-*
13 *port for a year a recommendation that the program be*
14 *made permanent for an armed force under the jurisdiction*
15 *of that Secretary.*

16 “(h) *REGULATIONS.*—*The Secretary of each military*
17 *department shall prescribe regulations to carry out the pro-*
18 *gram. The regulations shall be subject to the approval of*
19 *the Secretary of Defense.*

20 “(i) *COMMENCEMENT; DURATION.*—(1) *Before author-*
21 *izing the commencement of the program for an armed force,*
22 *the Secretary of the military department concerned, with*
23 *the consent of the Secretary of Defense, shall submit to the*
24 *Committees on Armed Services of the Senate and House of*
25 *Representatives a report containing the detailed program*

1 *structure of the alternative career track, associated per-*
2 *sonnel and compensation policies, implementing instruc-*
3 *tions and regulations, and a summary of the specific provi-*
4 *sions of this title and title 37 to be waived under the pro-*
5 *gram. The authority to conduct the program for that armed*
6 *force commences 120 days after the date of the submission*
7 *of the report.*

8 “(2) *The Secretary of the military department con-*
9 *cerned, with the consent of the Secretary of Defense, may*
10 *authorize revision of the program structure, associated per-*
11 *sonnel and compensation policies, implementing instruc-*
12 *tions and regulations, or laws waived, as submitted by the*
13 *Secretary under paragraph (1). The Secretary of the mili-*
14 *tary department concerned, with the consent of the Sec-*
15 *retary of Defense, shall submit the proposed revisions to the*
16 *Committees on Armed Services of the Senate and House of*
17 *Representatives. The revisions shall take effect 120 days*
18 *after the date of their submission.*

19 “(3) *If the program for an armed force has not com-*
20 *menced before December 31, 2015, as provided in paragraph*
21 *(1), the authority to commence the program for that armed*
22 *force terminates.*

23 “(4) *No officer may be accepted to participate in the*
24 *program after December 31, 2026.*

1 “(5) *The Secretary of the military department con-*
2 *cerned, with the consent of the Secretary of Defense, may*
3 *terminate the pilot program for an armed force before the*
4 *date specified in paragraph (4). Not later than 90 days*
5 *after terminating the pilot program, the Secretary of the*
6 *military department concerned, in cooperation with the*
7 *Secretary of Defense, shall submit to the Committees on*
8 *Armed Services of the Senate and House of Representatives*
9 *a report containing the reasons for the termination.”.*

10 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
11 *the beginning of such chapter is amended by inserting after*
12 *the item relating to section 672 the following new item:*

“673. Alternative career track for commissioned officers pilot program.”.

13 ***Subtitle G—Other Matters***

14 ***SEC. 671. PARTICIPATION OF MEMBERS OF THE ARMED***
15 ***FORCES HEALTH PROFESSIONS SCHOLAR-***
16 ***SHIP AND FINANCIAL ASSISTANCE PROGRAM***
17 ***IN ACTIVE DUTY HEALTH PROFESSION LOAN***
18 ***REPAYMENT PROGRAM.***

19 *Section 2173(c) of title 10, United States Code, is*
20 *amended by adding at the end the following new paragraph:*

21 “(4) *The person is enrolled in the Armed Forces*
22 *Health Professions Scholarship and Financial Assist-*
23 *ance program under subchapter I of chapter 105 of*
24 *this title for a number of years less than the number*
25 *of years required to complete the normal length of the*

1 *course of study required for the specific health profes-*
2 *sion.”.*

3 **SEC. 672. RETENTION OF ENLISTMENT, REENLISTMENT,**
4 **AND STUDENT LOAN BENEFITS RECEIVED BY**
5 **MILITARY TECHNICIANS (DUAL STATUS).**

6 *(a) TREATMENT OF ENLISTMENT, REENLISTMENT,*
7 *AND STUDENT LOAN BENEFITS.—Section 10216 of title 10,*
8 *United States Code, is amended by adding at the end the*
9 *following new subsection:*

10 *“(h) RETENTION OF BONUSES AND OTHER BENE-*
11 *FITS.—If an individual is first employed as a military*
12 *technician (dual status) while the individual is already a*
13 *member of a reserve component, the Secretary concerned*
14 *may not—*

15 *“(1) require the individual to repay any enlist-*
16 *ment, reenlistment, or affiliation bonus provided to*
17 *the individual in connection with the individual’s en-*
18 *listment or reenlistment before such employment; or*

19 *“(2) terminate the individual’s participation in*
20 *an educational loan repayment program under chap-*
21 *ter 1609 of this title if the individual began such par-*
22 *ticipation before such employment.”.*

23 *(b) EFFECTIVE DATE.—Subsection (h) of section*
24 *10216 of title 10, United States Code, as added by sub-*
25 *section (a), shall apply only with respect to individuals who*

1 *are first employed as a military technician (dual status),*
2 *as described in subsection (a)(1) of such section 10216, more*
3 *than 180 days after the date of the enactment of this Act.*

4 **SEC. 673. CANCELLATION OF LOANS OF MEMBERS OF THE**
5 **ARMED FORCES MADE FROM STUDENT LOAN**
6 **FUNDS.**

7 *Section 465(a) of the Higher Education Act of 1965*
8 *(20 U.S.C. 1087ee(a)) is amended by adding at the end the*
9 *following new paragraph:*

10 *“(8) For the purpose of this subsection, the term*
11 *‘year of service’ where applied to service by a member*
12 *of the Armed Forces described in paragraph (2)(D)*
13 *means a qualified tour of duty that—*

14 *“(A) is for 6 months or longer; or*

15 *“(B) was less than 6 months because the*
16 *member was discharged or released from active*
17 *duty in the Armed Forces for an injury or dis-*
18 *ability incurred in or aggravated by service in*
19 *the Armed Forces.”.*

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—Improvements to Health**
4 **Benefits**

5 **SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN**
6 **CERTAIN HEALTH CARE COSTS.**

7 (a) *CHARGES UNDER CONTRACTS FOR MEDICAL*
8 *CARE.*—Section 1097(e) of title 10, United States Code, is
9 amended by striking “September 30, 2009” and inserting
10 “September 30, 2011”.

11 (b) *CHARGES FOR INPATIENT CARE.*—Section
12 1086(b)(3) of such title is amended by striking “September
13 30, 2010” and inserting “September 30, 2011”.

14 **SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER**
15 **TRICARE.**

16 (a) *DEPENDENT COVERAGE.*—

17 (1) *IN GENERAL.*—Chapter 55 of title 10, United
18 *States Code, is amended by adding at the end the fol-*
19 *lowing new section:*

20 **“§1110b. TRICARE program: extension of dependent**
21 **coverage**

22 “(a) *IN GENERAL.*—In accordance with subsection (c),
23 *an individual described in subsection (b) shall be deemed*
24 *to be a dependent (as described in section 1072(2)(D) of*
25 *this title) for purposes of TRICARE coverage.*”

1 “(b) *INDIVIDUAL DESCRIBED.*—An individual de-
2 scribed in this subsection is an individual who—

3 “(1) with respect to a member or former member
4 of a uniformed service, is—

5 “(A) a child who has not attained the age
6 of 26 and is not eligible to enroll in an eligible
7 employer-sponsored plan (as defined in section
8 5000A(f)(2) of the Internal Revenue Code of
9 1986); or

10 “(B) a person who—

11 “(i) is placed in the legal custody of
12 the member or former member as a result of
13 an order of a court of competent jurisdic-
14 tion in the United States (or possession of
15 the United States) for a period of at least
16 12 consecutive months;

17 “(ii) has not attained the age of 26;

18 “(iii) is not eligible to enroll in an eli-
19 gible employer-sponsored plan (as defined
20 in section 5000A(f)(2) of the Internal Rev-
21 enue Code of 1986);

22 “(iv) resides with the member or
23 former member unless separated by the ne-
24 cessity of military service or to receive in-
25 stitutional care as a result of disability or

1 *incapacitation or under such other cir-*
2 *cumstances as the administering Secretary*
3 *may by regulation prescribe;*

4 *“(v) is not otherwise a dependent of a*
5 *member or a former member under any sub-*
6 *paragraph of section 1072(2) of this title;*
7 *and*

8 *“(vi) is not the child of a dependent*
9 *who is described in subparagraph (D) or (I)*
10 *of section 1072(2) and is a covered bene-*
11 *ficiary; and*

12 *“(2) meets other criteria specified in regulations*
13 *prescribed by the Secretary.*

14 *“(c) PREMIUM.—(1) The Secretary shall prescribe by*
15 *regulation a premium for TRICARE coverage provided*
16 *pursuant to this section to an individual described in sub-*
17 *section (b).*

18 *“(2) The monthly amount of the premium in effect for*
19 *a month for TRICARE coverage pursuant to this section*
20 *shall be an amount not to exceed the cost of coverage that*
21 *the Secretary determines on an appropriate actuarial basis.*

22 *“(3) The Secretary shall prescribe the requirements*
23 *and procedures applicable to the payment of premiums*
24 *under this subsection.*

1 “(4) Amounts collected as premiums under this para-
2 graph shall be credited to the appropriation available for
3 the Defense Health Program Account under section 1100
4 of this title, shall be merged with sums in such Account
5 that are available for the fiscal year in which collected, and
6 shall be available under subsection (b) of such section for
7 such fiscal year.

8 “(d) *TRICARE COVERAGE DEFINED.*—In this section,
9 the term ‘*TRICARE coverage*’ means health care to which
10 a dependent described in section 1072(2)(D) of this title is
11 entitled under section 1076d, 1076e, 1079, 1086, or 1097
12 of this title.”.

13 (2) *CLERICAL AMENDMENT.*—The table of sec-
14 tions at the beginning of such chapter is amended by
15 inserting after the item relating to section 1110a the
16 following new item:

“1110b. *TRICARE program: extension of dependent coverage.*”.

17 (b) *CONFORMING AMENDMENT.*—Paragraph (1) of sec-
18 tion 1086(c) of title 10, United States Code, is amended
19 by inserting after “of this title” the following: “(or an indi-
20 vidual described in section 1110b(b) who meets the require-
21 ments for a dependent under paragraph (1) or (2) of such
22 section 1076(b))”.

23 (c) *EFFECTIVE DATE.*—The amendments made by this
24 section shall take effect on October 1, 2010.

1 **SEC. 703. SURVIVOR DENTAL BENEFITS.**

2 *Paragraph (2) of section 1076a(k) of title 10, United*
3 *States Code, is amended to read as follows:*

4 *“(2) Such term includes any such dependent of a mem-*
5 *ber who dies—*

6 *“(A) while on active duty for a period of more*
7 *than 30 days; or*

8 *“(B) while such member is a member of the*
9 *Ready Reserve.”.*

10 **SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE**
11 **ARMED FORCES.**

12 *(a) IN GENERAL.—Paragraph (2) of section 1074f(b)*
13 *of title 10, United States Code, is amended by adding at*
14 *the end the following new subparagraph:*

15 *“(D) An aural screening, including an assess-*
16 *ment of tinnitus.”.*

17 *(b) EFFECTIVE DATE.—Section 1074f(b)(2) of title 10,*
18 *United States Code, as added by subsection (a) of this sec-*
19 *tion, shall apply to members of the Armed Forces who are*
20 *deployed or return from deployment on or after the date*
21 *that is 30 days after the date of the enactment of this Act.*

22 **SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN CO-**
23 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
24 **TEM OF PHARMACY BENEFITS PROGRAM.**

25 *During the period beginning on October 1, 2010, and*
26 *ending on September 30, 2011, the cost sharing require-*

1 *ments established under paragraph (6) of section 1074g(a)*
2 *of title 10, United States Code, for pharmaceutical agents*
3 *available through retail pharmacies covered by paragraph*
4 *(2)(E)(ii) of such section may not exceed amounts as fol-*
5 *lows:*

6 *(1) In the case of generic agents, \$3.*

7 *(2) In the case of formulary agents, \$9.*

8 *(3) In the case of nonformulary agents, \$22.*

9 ***Subtitle B—Health Care***

10 ***Administration***

11 ***SEC. 711. ADMINISTRATION OF TRICARE.***

12 *Subsection (a) of section 1073 of title 10, United States*
13 *Code, is amended—*

14 *(1) by striking “Except” and inserting “(1) Ex-*
15 *cept”; and*

16 *(2) by adding at the end the following new para-*
17 *graph:*

18 *“(2) Except as otherwise provided in this chapter, the*
19 *Secretary of Defense shall have sole responsibility for ad-*
20 *ministering the TRICARE program and making any deci-*
21 *sion affecting such program.”.*

22 ***SEC. 712. UPDATED TERMINOLOGY FOR THE ARMY MED-***
23 ***ICAL SERVICE CORPS.***

24 *Paragraph (5) of section 3068 of title 10, United*
25 *States Code, is amended—*

1 (1) *in subparagraph (A), by striking “Phar-*
2 *macy, Supply, and Administration” and inserting*
3 *“Administrative Health Services”;*

4 (2) *in subparagraph (C), by striking “Sanitary*
5 *Engineering” and inserting “Preventive Medicine*
6 *Sciences”;* and

7 (3) *in subparagraph (D), by striking “Optom-*
8 *etry” and inserting “Clinical Health Sciences”.*

9 **SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS**

10 **APPLICABLE TO MILITARY HEALTH-CARE**
11 **PROFESSIONALS WHO ARE MEMBERS OF THE**
12 **NATIONAL GUARD PERFORMING DUTY WHILE**
13 **IN TITLE 32 STATUS.**

14 *Section 1094(d) of title 10, United States Code, is*
15 *amended—*

16 (1) *in paragraph (1), by inserting “or (3)” after*
17 *“paragraph (2)”;*

18 (2) *in paragraph (2), by inserting “as being de-*
19 *scribed in this paragraph” after “paragraph (1)”;*
20 *and*

21 (3) *by adding at the end the following new para-*
22 *graph:*

23 *“(3) A health-care professional referred to in para-*
24 *graph (1) as being described in this paragraph is a member*
25 *of the National Guard who—*

1 “(A) has a current license to practice medicine,
2 osteopathic medicine, dentistry, or another health pro-
3 fession; and

4 “(B) is performing training or duty under title
5 32 in response to an actual or potential disaster.”.

6 **SEC. 714. ANNUAL REPORT ON JOINT HEALTH CARE FACILI-**
7 **TIES OF THE DEPARTMENT OF DEFENSE AND**
8 **THE DEPARTMENT OF VETERANS AFFAIRS.**

9 (a) *ANNUAL REPORTS.*—Section 1073b of title 10,
10 *United States Code*, is amended by adding at the end the
11 *following new subsection:*

12 “(c) *ANNUAL REPORT ON JOINT HEALTH CARE FA-*
13 *CILITIES OF THE DEPARTMENT OF DEFENSE AND THE DE-*
14 *PARTMENT OF VETERANS AFFAIRS.*—(1) *At the same time*
15 *that the budget of the President is submitted under section*
16 *1105(a) of title 31 for each fiscal year, the Secretary of De-*
17 *fense and the Secretary of Veterans Affairs shall jointly sub-*
18 *mit to the appropriate congressional committees a report*
19 *on joint facilities.*

20 “(2) *Each report under paragraph (1) shall include*
21 *the following:*

22 “(A) *A list of each military medical treatment*
23 *facility of the Department of Defense that the Sec-*
24 *retary of Defense is considering as a potential joint*
25 *facility.*

1 “(B) A list of each medical facility of the De-
2 partment of Veterans Affairs that the Secretary of
3 Veterans Affairs is considering as a potential joint fa-
4 cility.

5 “(C) A list of each military medical treatment
6 facility of the Department of Defense and medical fa-
7 cility of the Department of Veterans Affairs that has
8 been established as a joint facility.

9 “(3)(A) Except as provided in subparagraph (B), no
10 funds authorized to be appropriated or otherwise made
11 available for fiscal year 2012 or any fiscal year thereafter
12 for military medical treatment facilities of the Department
13 of Defense may be obligated or expended to establish a joint
14 facility unless both the military medical treatment facility
15 of the Department of Defense and the medical facility of
16 the Department of Veterans Affairs were included in a re-
17 port under paragraph (1).

18 “(B) The Secretary of Defense may waive the limita-
19 tion in subparagraph (A) with respect to establishing a
20 joint facility not included in a report under paragraph (1)
21 if—

22 “(i) the Secretary and the Secretary of Veterans
23 Affairs jointly submit to the appropriate congress-
24 sional committees—

1 “(I) written certification that the Secre-
2 taries began considering such joint facility after
3 the most recent report under subsection (a) was
4 submitted to the appropriate congressional com-
5 mittees; and

6 “(II) a report on such joint facility, includ-
7 ing the location and the estimated cost; and

8 “(ii) a period of 30 days has elapsed after the
9 date on which the certification and report under
10 clause (i) are submitted to the appropriate congres-
11 sional committees.

12 “(4) In this subsection:

13 “(A) The term ‘appropriate congressional com-
14 mittees’ means—

15 “(i) the congressional defense committees;

16 “(ii) the Committee on Veterans’ Affairs of
17 the House of Representatives; and

18 “(iii) the Committee on Veterans’ Affairs of
19 the Senate.

20 “(B) The term ‘joint facility’ means a military
21 medical treatment facility of the Department of De-
22 fense and a medical facility of the Department of Vet-
23 erans Affairs that are combined, operated jointly, or
24 otherwise operated in such a manner that a facility

1 of one department is operating in or with a facility
2 of the other department.

3 “(C) The term ‘medical facility’, with respect to
4 a facility of the Department of Veterans Affairs, has
5 the meaning given that term in section 8101(3) of
6 title 38.”.

7 (b) TITLE 38.—

8 (1) IN GENERAL.—Subchapter IV of chapter 81
9 of title 38, United States Code, is amended by adding
10 at the end the following new section:

11 **“§ 8159. Limitation on establishment of joint facilities**
12 **of the Department of Veterans Affairs and**
13 **the Department of Defense**

14 “(a) LIMITATION.—Except as provided in subsection
15 (b), no funds authorized to be appropriated or otherwise
16 made available for fiscal year 2012 or any fiscal year there-
17 after for medical facilities of the Department of Veterans
18 Affairs may be obligated or expended to establish a joint
19 facility unless both the medical facility of the Department
20 of Veterans Affairs and the military medical treatment fa-
21 cility of the Department of Defense were included in a re-
22 port submitted by the Secretary of Veterans Affairs and the
23 Secretary of Defense to the appropriate congressional com-
24 mittees under section 1073b(c) of title 10.

1 “(b) *WAIVER.*—*The Secretary of Veterans Affairs may*
2 *waive the limitation in subsection (a) with respect to estab-*
3 *lishing a joint facility not included in a report under sec-*
4 *tion 1073b(c) of title 10 if—*

5 “(1) *the Secretary and the Secretary of Defense*
6 *jointly submit to the appropriate congressional com-*
7 *mittees—*

8 “(A) *written certification that the Secre-*
9 *taries began considering such joint facility after*
10 *the most recent report under section 1073b(c) of*
11 *title 10 was submitted to the appropriate con-*
12 *gressional committees; and*

13 “(B) *a report on such joint facility, includ-*
14 *ing the location and the estimated cost; and*

15 “(2) *a period of 30 days has elapsed after the*
16 *date on which the certification and report under*
17 *paragraph (1) are submitted to the appropriate con-*
18 *gressional committees.*

19 “(c) *DEFINITIONS.*—*In this section:*

20 “(1) *The term ‘appropriate congressional com-*
21 *mittees’ means—*

22 “(A) *the congressional defense committees*
23 *(as defined in section 101(a)(16) of title 10);*

24 “(B) *the Committee on Veterans’ Affairs of*
25 *the House of Representatives; and*

1 “(C) *the Committee on Veterans’ Affairs of*
2 *the Senate.*”

3 “(2) *The term ‘joint facility’ means a military*
4 *medical treatment facility of the Department of De-*
5 *fense and a medical facility of the Department of Vet-*
6 *erans Affairs that are combined, operated jointly, or*
7 *otherwise operated in such a manner that a facility*
8 *of one department is operating in or with a facility*
9 *of the other department.*”

10 “(3) *The term ‘medical facility’ has the meaning*
11 *given that term in section 8101(3) of this title.*”

12 (2) *CLERICAL AMENDMENT.—The table of sec-*
13 *tions at the beginning of such chapter is amended by*
14 *inserting after the item relating to section 8158 the*
15 *following new item:*

 “8159. *Limitation on establishment of joint facilities of the Department of Vet-*
 erans Affairs and the Department of Defense.”

16 **SEC. 715. IMPROVEMENTS TO OVERSIGHT OF MEDICAL**
17 **TRAINING FOR MEDICAL CORPS OFFICERS.**

18 (a) *REVIEW OF TRAINING PROGRAMS FOR MEDICAL*
19 *OFFICERS.—The Secretary of Defense shall conduct a re-*
20 *view of training programs for medical officers (as defined*
21 *in section 101(b)(14) of title 10, United States Code) to en-*
22 *sure that the academic and military performance of such*
23 *officers has been completely documented in military per-*

1 *sonnel records. The programs reviewed shall include, at a*
2 *minimum, the following:*

3 (1) *Programs at the Uniformed Services Univer-*
4 *sity of the Health Sciences that award a medical doc-*
5 *tor degree.*

6 (2) *Selected residency programs at military med-*
7 *ical treatment facilities, as determined by the Sec-*
8 *retary, to include at least one program in each of the*
9 *specialties of—*

10 (A) *anesthesiology;*

11 (B) *emergency medicine;*

12 (C) *family medicine;*

13 (D) *general surgery;*

14 (E) *obstetrics/gynecology;*

15 (F) *pathology;*

16 (G) *pediatrics; and*

17 (H) *psychiatry.*

18 (b) *REPORT.—Not later than one year after the date*
19 *of the enactment of this Act, the Secretary of Defense shall*
20 *submit to the congressional defense committees a report on*
21 *the findings of the review under subsection (a).*

1 **SEC. 716. STUDY ON REIMBURSEMENT FOR COSTS OF**
2 **HEALTH CARE PROVIDED TO INELIGIBLE IN-**
3 **DIVIDUALS.**

4 (a) *STUDY.*—*The Secretary of Defense shall conduct a*
5 *study on the costs incurred by the United States on behalf*
6 *of individuals—*

7 (1) *who are not covered beneficiaries; and*

8 (2) *who receive health care services from a health*
9 *care provider under the TRICARE program.*

10 (b) *REPORT.*—*Not later than 180 days after the date*
11 *of the enactment of this Act, the Secretary shall submit to*
12 *the congressional defense committees a report on the study*
13 *under subsection (a), including recommendations for legis-*
14 *lative action that the Secretary considers appropriate to—*

15 (1) *prevent individuals who are not covered*
16 *beneficiaries from receiving health care services from*
17 *a health care provider under the TRICARE program;*
18 *and*

19 (2) *recoup the costs of such health care from such*
20 *individuals.*

21 (c) *DEFINITIONS.*—*In this section:*

22 (1) *The term “covered beneficiary” has the*
23 *meaning given that term in section 1072(5) of title*
24 *10, United States Code.*

1 (2) *The term “TRICARE program” has the*
2 *meaning given that term in section 1072(7) of such*
3 *title.*

4 **SEC. 717. LIMITATION ON TRANSFER OF FUNDS TO DEPART-**
5 **MENT OF DEFENSE-DEPARTMENT OF VET-**
6 **ERANS AFFAIRS MEDICAL FACILITY DEM-**
7 **ONSTRATION PROJECT.**

8 *The Secretary of Defense may not transfer any funds*
9 *authorized to be appropriated by this Act for fiscal year*
10 *2011 to the Joint Department of Defense–Department of*
11 *Veterans Affairs Medical Facility Demonstration Fund es-*
12 *tablished in section 1704 of the National Defense Authoriza-*
13 *tion Act for Fiscal Year 2010 (Public Law 111–84; 123*
14 *Stat. 2571) unless, before any such transfer—*

15 (1) *the Secretary submits to the congressional de-*
16 *fense committees, the Committee on Veterans’ Affairs*
17 *of the House of Representatives, and the Committee*
18 *on Veterans’ Affairs of the Senate a report pro-*
19 *viding—*

20 (A) *notice of the proposed transfer; and*

21 (B) *the exact amount and source of funds to*
22 *be transferred; and*

23 (2) *a period of 30 days has elapsed (excluding*
24 *days of which either House of Congress is not in ses-*

1 sion) after the report is submitted under paragraph
2 (1).

3 **SEC. 718. ENTERPRISE RISK ASSESSMENT OF HEALTH IN-**
4 **FORMATION TECHNOLOGY PROGRAMS.**

5 (a) *STUDY.*—The Secretary of Defense shall conduct an
6 enterprise risk assessment methodology study of all health
7 information technology programs of the Department of De-
8 fense.

9 (b) *REPORT.*—Not later than 180 days after the date
10 of the enactment of this Act, the Secretary shall submit to
11 the congressional defense committees a report containing the
12 results of the study required under subsection (a).

13 **Subtitle C—Other Matters**

14 **SEC. 721. IMPROVING AURAL PROTECTION FOR MEMBERS**
15 **OF THE ARMED FORCES.**

16 (a) *IN GENERAL.*—In accordance with section 721 of
17 the Duncan Hunter National Defense Authorization Act for
18 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506),
19 the Secretary of Defense shall examine methods to improve
20 the aural protection for members of the Armed Forces in
21 combat.

22 (b) *REPORT.*—Not later than one year after the date
23 of the enactment of this Act, the Secretary shall submit to
24 Congress a report on the methods to improve aural protec-
25 tion 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 de-
6 velop 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 pre-*
13 *paring to deploy or have returned from deployment.*

14 (2) *Require the standardization of testing proce-*
15 *dures for neurocognitive assessments.*

16 (3) *Provide for follow-up neurocognitive assess-*
17 *ments as needed to create a longitudinal*
18 *neurocognitive assessment record for the on-going care*
19 *of members of the Armed Forces.*

20 (4) *Ensure the neurocognitive assessment results*
21 *and reports be made available to members of the*
22 *Armed Forces and veterans for their personal use in*
23 *health management.*

24 (c) *UPDATES.*—The Secretary shall revise the policy
25 required by subsection (a) on a periodic basis in accordance
26 with experience and evolving best practice guidelines.

1 (d) *ANNUAL REPORT.*—

2 (1) *IN GENERAL.*—Not later than 90 days after
3 the date of the enactment of this Act, and on Sep-
4 tember 30 of each year thereafter, the Secretary of De-
5 fense shall submit to the congressional defense com-
6 mittees a report on the policy required by subsection
7 (a).

8 (2) *ELEMENTS.*—Each report required by para-
9 graph (1) shall include the following:

10 (A) A description of the policy implemented
11 under subsection (b), and any revisions to such
12 policy under subsection (d).

13 (B) A description of the performance meas-
14 ures used to determine the effectiveness of the pol-
15 icy in improving the use of neurocognitive as-
16 sessments throughout the Department of Defense.

17 **SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.**

18 (a) *DESIGNATION.*—Not later than October 1, 2011, the
19 Secretary of Defense may designate a center to be known
20 as the “National Casualty Care Research Center” (in this
21 section referred to as the “Center”), which shall consist of
22 the program known as the combat casualty care research
23 program of the Army Medical Research and Materiel Com-
24 mand.

1 **(b) DIRECTOR.**—*The Secretary, in consultation with*
2 *the commanding general of the Army Medical Research and*
3 *Materiel Command, shall appoint a director of the Center.*

4 **(c) ACTIVITIES OF THE CENTER.**—*In addition to other*
5 *functions performed by the combat casualty care research*
6 *program, the Center shall—*

7 **(1)** *provide a public-private partnership for*
8 *funding clinical and experimental studies in combat*
9 *injury;*

10 **(2)** *integrate laboratory and clinical research to*
11 *hasten improvements in care to members of the*
12 *Armed Forces who are injured;*

13 **(3)** *ensure that data from both military and ci-*
14 *vilian entities, including the Joint Theater Trauma*
15 *Registry and the National Trauma Data Bank, are*
16 *optimally used to establish research agendas and*
17 *measure improvements in outcomes;*

18 **(4)** *fund the full range of injury research and*
19 *evaluation, including—*

20 **(A)** *laboratory, translational, and clinical*
21 *research;*

22 **(B)** *point of wounding and pre-hospital*
23 *care;*

24 **(C)** *early resuscitative management;*

25 **(D)** *initial and definitive surgical care; and*

1 (E) rehabilitation and reintegration into
2 society; and

3 (5) coordinate the collaboration of civilian and
4 military institutions conducting trauma research.

5 **SEC. 724. REPORT ON FEASIBILITY OF STUDY ON BREAST**
6 **CANCER AMONG FEMALE MEMBERS OF THE**
7 **ARMED FORCES.**

8 (a) *REPORT.*—Not later than March 1, 2011, the Sec-
9 retary of Defense shall submit to the congressional defense
10 committees a report on the feasibility of conducting a case-
11 control study described in subsection (b).

12 (b) *CASE-CONTROL STUDY.*—A case-control study de-
13 scribed in this subsection is a case-control study on the inci-
14 dence of breast cancer among covered members in order to
15 determine whether covered members were at an elevated risk
16 of having breast cancer, including the following:

17 (1) A determination of the number of covered
18 members who have been diagnosed with breast cancer.

19 (2) A sample of covered members who have not
20 been diagnosed with breast cancer who could serve as
21 an appropriate comparison group.

22 (3) A determination of demographic information
23 and potential breast cancer risk factors regarding cov-
24 ered members who are included in the study, includ-
25 ing—

1 (A) race;

2 (B) ethnicity;

3 (C) age;

4 (D) possible exposure to hazardous elements
5 or chemical or biological agents (including any
6 vaccines) and where such exposure occurred;

7 (E) known breast cancer risk factors, in-
8 cluding familial, reproductive, and anthropo-
9 metric parameters;

10 (F) the locations of duty stations that such
11 member was assigned;

12 (G) the locations in which such member was
13 deployed; and

14 (H) the geographic area of residence prior
15 to deployment.

16 (4) An analysis of the clinical characteristics of
17 breast cancer diagnosed in covered members (includ-
18 ing the stage, grade, and other details of the cancer).

19 (5) Other information the Secretary considers
20 appropriate.

21 (c) *COVERED MEMBERS DEFINED.*—In this section,
22 the term “covered members” means female members of the
23 Armed Forces (including members of the National Guard
24 and reserve components) who served in Operation Enduring
25 Freedom or Operation Iraqi Freedom.

1 **SEC. 725. ASSESSMENT OF POST-TRAUMATIC STRESS DIS-**
2 **ORDER BY MILITARY OCCUPATION.**

3 (a) *ASSESSMENT.*—*The Secretary of Defense shall con-*
4 *duct an assessment of post-traumatic stress disorder inci-*
5 *dence by military occupation, including identification of*
6 *military occupations with a high incidence of such disorder.*

7 (b) *REPORT.*—*Not later than one year after the date*
8 *of the enactment of this Act, the Secretary shall submit to*
9 *the congressional defense committees a report on the assess-*
10 *ment under subsection (a).*

11 **SEC. 726. VISITING NIH SENIOR NEUROSCIENCE FELLOW-**
12 **SHIP PROGRAM.**

13 (a) *AUTHORITY TO ESTABLISH.*—*The Secretary of De-*
14 *fense may establish a program to be known as the Visiting*
15 *NIH Senior Neuroscience Fellowship Program at—*

16 (1) *the Defense Advanced Research Projects*
17 *Agency; and*

18 (2) *the Defense Center of Excellence for Psycho-*
19 *logical Health and Traumatic Brain Injury.*

20 (b) *ACTIVITIES OF THE PROGRAM.*—*In establishing the*
21 *Visiting NIH Senior Neuroscience Fellowship Program*
22 *under subsection (a), the Secretary shall require the pro-*
23 *gram to—*

24 (1) *provide a partnership between the National*
25 *Institutes of Health and the Defense Advanced Re-*
26 *search Projects Agency to enable identification and*

1 *funding of the broadest range of innovative, highest*
2 *quality clinical and experimental neuroscience studies*
3 *for the benefit of members of the Armed Forces;*

4 (2) *provide a partnership between the National*
5 *Institutes of Health and the Defense Center of Excel-*
6 *lence for Psychological Health and Traumatic Brain*
7 *Injury that will enable identification and funding of*
8 *clinical and experimental neuroscience studies for the*
9 *benefit of members of the Armed Forces;*

10 (3) *use the results of the studies described in*
11 *paragraph (1) and (2) to enhance the mission of the*
12 *National Institutes of Health for the benefit of the*
13 *public; and*

14 (4) *provide a military and civilian collaborative*
15 *environment for neuroscience-based medical problem-*
16 *solving in critical areas affecting both military and*
17 *civilian life, particularly post-traumatic stress dis-*
18 *order.*

19 (c) *PERIOD OF FELLOWSHIP.—The period of any fel-*
20 *lowship under the Program shall not last more than 2 years*
21 *and shall not continue unless agreed upon by the parties*
22 *concerned.*

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy and**
6 **Management**

7 **SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRAC-**
8 **TORS.**

9 (a) *IN GENERAL.*—Section 2320 of title 10, United
10 States Code, is amended—

11 (1) *in subsection (c)(2)*—

12 (A) *by inserting “or covered litigation sup-*
13 *port contractor” after “covered Government sup-*
14 *port contractor”; and*

15 (B) *by inserting after “oversight of” the fol-*
16 *lowing: “, or preparation for litigation relating*
17 *to,”; and*

18 (2) *by inserting after subsection (f) the following:*

19 “(g) *In this section, the term ‘covered litigation sup-*
20 *port contractor’ means a contractor (including an expert*
21 *or technical consultant) under contract with the Depart-*
22 *ment of Defense to provide litigation support, which con-*
23 *tractor executes a contract with the Government agreeing*
24 *to and acknowledging—*

1 “(1) that proprietary or nonpublic technical
2 data furnished will be accessed and used only for the
3 purposes stated in that contract;

4 “(2) that the covered litigation support con-
5 tractor will take all reasonable steps to protect the
6 proprietary and nonpublic nature of the technical
7 data furnished to the covered litigation support con-
8 tractor; and

9 “(3) that such technical data provided to the cov-
10 ered litigation support contractor under the authority
11 of this section shall not be used by the covered litiga-
12 tion support contractor to compete against the third
13 party for Government or non-Government contracts.”.

14 (b) *EFFECTIVE DATE.*—The amendments made by sub-
15 section (a) shall take effect on the date that is 120 days
16 after the date of the enactment of this Act.

17 **SEC. 802. DESIGNATION OF F135 AND F136 ENGINE DEVEL-**
18 **OPMENT AND PROCUREMENT PROGRAMS AS**
19 **MAJOR SUBPROGRAMS.**

20 (a) *DESIGNATION AS MAJOR SUBPROGRAMS.*—Not
21 later than 30 days after the date of the enactment of this
22 Act, the Secretary of Defense shall designate each of the en-
23 gine development and procurement programs described in
24 subsection (b) as a major subprogram of the F-35 Light-

1 *ning II aircraft major defense acquisition program, in ac-*
2 *cordance with section 2430a of title 10, United States Code.*

3 (b) *DESCRIPTION.*—*For purposes of subsection (a), the*
4 *engine development and procurement programs are the fol-*
5 *lowing:*

6 (1) *The F135 engine development and procure-*
7 *ment program.*

8 (2) *The F136 engine development and procure-*
9 *ment program.*

10 (c) *ORIGINAL BASELINE.*—*For purposes of reporting*
11 *requirements referred to in section 2430a(b) of title 10,*
12 *United States Code, for the major subprograms designated*
13 *under subsection (a), the Secretary shall use the Milestone*
14 *B decision for each subprogram as the original baseline for*
15 *the subprogram.*

16 (d) *ACTIONS FOLLOWING CRITICAL COST GROWTH.*—

17 (1) *IN GENERAL.*—*Subject to paragraph (2), to*
18 *the extent that the Secretary elects to restructure the*
19 *F–35 Lightning II aircraft major defense acquisition*
20 *program subsequent to a reassessment and actions re-*
21 *quired by subsections (a) and (c) of section 2433a of*
22 *title 10, United States Code, during fiscal year 2010,*
23 *and also conducts such reassessment and actions with*
24 *respect to the F135 and F136 engine development and*
25 *procurement programs (including related reporting*

1 *based on the original baseline as defined in subsection*
2 *(c), the requirements of section 2433a of such title*
3 *with respect to a major subprogram designated under*
4 *subsection (a) shall be considered to be met with re-*
5 *spect to the major subprogram.*

6 (2) *LIMITATION.—Actions taken in accordance*
7 *with paragraph (1) shall be considered to meet the re-*
8 *quirements of section 2433a of title 10, United States*
9 *Code, with respect to a major subprogram designated*
10 *under subsection (a) only to the extent that designa-*
11 *tion as a major subprogram would require the Sec-*
12 *retary of Defense to conduct a reassessment and take*
13 *actions pursuant to such section 2433a for such a*
14 *subprogram upon enactment of this Act. The require-*
15 *ments of such section 2433a shall not be considered to*
16 *be met with respect to such a subprogram in the event*
17 *that additional programmatic changes, following the*
18 *date of the enactment of this Act, cause the program*
19 *acquisition unit cost or procurement unit cost of such*
20 *a subprogram to increase by a percentage equal to or*
21 *greater than the critical cost growth threshold (as de-*
22 *fined in section 2433(a)(5) of such title) for the sub-*
23 *program.*

1 **SEC. 803. CONFORMING AMENDMENTS RELATING TO IN-**
2 **CLUSION OF MAJOR SUBPROGRAMS TO**
3 **MAJOR DEFENSE ACQUISITION PROGRAMS**
4 **UNDER VARIOUS ACQUISITION-RELATED RE-**
5 **QUIREMENTS.**

6 (a) *CONFORMING AMENDMENTS TO SECTION 2366a.—*

7 *Section 2366a of such title is amended—*

8 (1) *in subsections (a), (b)(1), and (b)(2)—*

9 (A) *by inserting “or designated major sub-*
10 *program” after “major defense acquisition pro-*
11 *gram”; and*

12 (B) *by inserting “or subprogram” after*
13 *“program” each place it appears (other than*
14 *after “major defense acquisition program”, after*
15 *“space program” , before “requirements”, and*
16 *before “manager”); and*

17 (2) *in subsection (c)—*

18 (A) *by redesignating paragraphs (2), (3),*
19 *(4), and (5) as paragraphs (3), (4), (5), and (6),*
20 *respectively; and*

21 (B) *by inserting after paragraph (1) the fol-*
22 *lowing new paragraph (2):*

23 “(2) *The term ‘designated major subprogram’*
24 *means a major subprogram of a major defense acqui-*
25 *sition program as designated under section*
26 *2430a(a)(1) of this title.”.*

1 (b) *CONFORMING AMENDMENTS TO SECTION 2366b.*—

2 *Section 2366b of such title is amended—*

3 (1) *in subsections (a), (b)(1), and (c)(1)—*

4 (A) *by inserting “or designated major sub-*
5 *program” after “major defense acquisition pro-*
6 *gram”; and*

7 (B) *by inserting “or subprogram” after*
8 *“program” each place it appears (other than*
9 *after “major defense acquisition program”, after*
10 *“future-years defense program”, and after “space*
11 *program”); and*

12 (2) *in subsection (g)—*

13 (A) *by redesignating paragraphs (2), (3),*
14 *and (4) as paragraphs (3), (4), and (5), respec-*
15 *tively; and*

16 (B) *by inserting after paragraph (1) the fol-*
17 *lowing new paragraph (2):*

18 “(2) *The term ‘designated major subprogram’*
19 *means a major subprogram of a major defense acqui-*
20 *sition program as designated under section*
21 *2430a(a)(1) of this title.”.*

22 (c) *CONFORMING AMENDMENTS TO SECTION 2399.*—

23 *Subsection (a) of section 2399 of such title is amended to*
24 *read as follows:*

1 “(a) *CONDITION FOR PROCEEDING BEYOND LOW-RATE*
2 *INITIAL PRODUCTION.*—(1) *The Secretary of Defense shall*
3 *provide that a covered major defense acquisition program*
4 *or a covered designated major subprogram may not proceed*
5 *beyond low-rate initial production until initial operational*
6 *test and evaluation of the program or subprogram is com-*
7 *pleted.*

8 “(2) *In this subsection:*

9 “(A) *The term ‘covered major defense acquisition*
10 *program’ means a major defense acquisition program*
11 *that involves the acquisition of a weapon system that*
12 *is a major system within the meaning of that term*
13 *in section 2302(5) of this title.*

14 “(B) *The term ‘covered designated major subpro-*
15 *gram’ means a major subprogram designated under*
16 *section 2430a(a)(1) of this title that is a major sub-*
17 *program of a covered major defense acquisition pro-*
18 *gram.’.*”

19 “(d) *CONFORMING AMENDMENTS TO SECTION 2434.*—
20 *Section 2434(a) of such title is amended—*

21 (1) *by inserting “(1)” before “The Secretary of*
22 *Defense”;* and

23 (2) *by adding at the end the following new para-*
24 *graph:*

1 “(2) *The provisions of this section shall apply to any*
2 *major subprogram of a major defense acquisition program*
3 *(as designated under section 2430a(a)(1) of this title) in*
4 *the same manner as those provisions apply to a major de-*
5 *fense acquisition program, and any reference in this section*
6 *to a program shall be treated as including such a subpro-*
7 *gram.*”.

8 **SEC. 804. ENHANCEMENT OF DEPARTMENT OF DEFENSE**
9 **AUTHORITY TO RESPOND TO COMBAT AND**
10 **SAFETY EMERGENCIES THROUGH RAPID AC-**
11 **QUISITION AND DEPLOYMENT OF URGENTLY**
12 **NEEDED SUPPLIES.**

13 (a) *REQUIREMENT TO ESTABLISH PROCEDURES.—*
14 *Subsection (a) of section 806 of the Bob Stump National*
15 *Defense Authorization Act for Fiscal Year 2003 (10 U.S.C.*
16 *2302 note) is amended by striking “items that are—” and*
17 *inserting “supplies that are—”.*

18 (b) *ISSUES TO BE ADDRESSED.—Subsection (b) of*
19 *such section is amended—*

20 (1) *in paragraph (1)(B), by striking “items”*
21 *and inserting “supplies”; and*

22 (2) *in paragraph (2)—*

23 (A) *in the matter preceding subparagraph*
24 *(A), by striking “items” and inserting “sup-*
25 *plies”;*

1 (B) in subparagraph (A), by striking “an
2 item” and inserting “the supplies”;

3 (C) in subparagraph (B), by striking “an
4 item” and inserting “the supplies”; and

5 (D) in subparagraph (C), by inserting “and
6 utilization” after “deployment”.

7 (c) *RESPONSE TO COMBAT EMERGENCIES.*—Sub-
8 section (c) of such section is amended—

9 (1) by striking “equipment” each place it ap-
10 pears and inserting “supplies”;

11 (2) by striking “combat capability” each place it
12 appears;

13 (3) by inserting “, or could result,” after “that
14 has resulted” each place it appears;

15 (4) by striking “fatalities” each place it appears
16 and inserting “casualties”;

17 (5) in paragraphs (1) and (2)(A), by striking
18 “is” each place it appears and inserting “are”;

19 (6) in paragraph (3)—

20 (A) by striking “The authority of this sec-
21 tion may not be used to acquire equipment in an
22 amount aggregating more than \$100,000,000
23 during any fiscal year.”; and

1 (B) by inserting “in an amount aggregating no more than \$200,000,000” after “for that fiscal year”;

2 (7) in paragraph (4), by striking “Each such notice” and inserting “For each such determination, the notice under the preceding sentence”; and

3 (8) in paragraph (5), by striking “that equipment” and inserting “those supplies”.

4 (d) *WAIVER OF CERTAIN STATUTES AND REGULATIONS.*—Subsection (d)(1) of such section is amended by striking “equipment” in subparagraphs (A), (B), and (C) and inserting “supplies”.

5 (e) *TESTING REQUIREMENT.*—Subsection (e) of such section is amended—

6 (1) in paragraph (1)—

7 (A) by striking “an item” in the matter preceding subparagraph (A) and inserting “the supplies”; and

8 (B) in subparagraph (B), by striking “of the item” and all that follows through “requirements document” and inserting “of the supplies in meeting the original requirements for the supplies (as stated in a statement of the urgent operational need”;

9 (2) in paragraph (2)—

1 (A) by striking “an item” and inserting
2 “supplies”; and

3 (B) by striking “the item” and inserting
4 “the supplies”; and

5 (3) in paragraph (3)—

6 (A) by striking “If items” and inserting “If
7 the supplies”; and

8 (B) by striking “items” each place it ap-
9 pears and inserting “supplies”.

10 (f) *LIMITATION.*—Subsection (f) of such section is
11 amended to read as follows:

12 “(f) *LIMITATION.*—In the case of supplies that are part
13 of a major system for which a low-rate initial production
14 quantity determination has been made pursuant to section
15 2400 of title 10, United States Code, the quantity of such
16 supplies acquired using the procedures prescribed pursuant
17 to this section may not exceed an amount consistent with
18 complying with limitations on the quantity of articles ap-
19 proved for low-rate initial production for such system. Any
20 such supplies shall be included in any relevant calculation
21 of quantities for low-rate initial production for the system
22 concerned.”.

1 **SEC. 805. PROHIBITION ON CONTRACTS WITH ENTITIES EN-**
2 **GAGING IN COMMERCIAL ACTIVITY IN THE**
3 **ENERGY SECTOR OF IRAN.**

4 (a) *PROHIBITION ON CONTRACTS.*—

5 (1) *PROHIBITION.*—*The Secretary of Defense*
6 *may not enter into any contract with—*

7 (A) *an entity that engages in commercial*
8 *activity in the energy sector of Iran; or*

9 (B) *a successor entity to the entity described*
10 *in subparagraph (A).*

11 (2) *DEFINITION.*—*For purposes of this sub-*
12 *section, an entity engages in commercial activity in*
13 *the energy sector of Iran if the entity, with actual*
14 *knowledge, engages in an activity for which sanctions*
15 *have been imposed under section 5(a) of the Iran*
16 *Sanctions Act of 1996 (50 U.S.C. 1701 note).*

17 (b) *DURATION OF PROHIBITION.*—*The prohibition*
18 *under subsection (a) shall apply with respect to an entity*
19 *(or successor entity)—*

20 (1) *for a period of not less than 2 years begin-*
21 *ning on the date on which the prohibition is imposed;*
22 *or*

23 (2) *until such time as the Secretary of Defense*
24 *determines and certifies to the congressional defense*
25 *committees that—*

1 (A) *the entity whose activities were the*
2 *basis for imposing the prohibition is no longer*
3 *engaging in such activities; and*

4 (B) *the Secretary has received reliable as-*
5 *surances that such entity (or successor entity)*
6 *will not knowingly engage in such activities in*
7 *the future, except that such prohibition shall re-*
8 *main in effect for a period of at least 1 year.*

9 (c) *WAIVER.—*

10 (1) *AUTHORITY.—The Secretary of Defense may*
11 *waive the prohibition under subsection (a) with re-*
12 *spect to a contract if the Secretary determines that*
13 *the contract is in the interest of national security.*

14 (2) *NOTIFICATION.—Upon issuing a waiver*
15 *under paragraph (1) with respect to a contract, the*
16 *Secretary of Defense shall submit to the Committees*
17 *on Armed Services of the Senate and House of Rep-*
18 *resentatives, the Committee on Foreign Relations of*
19 *the Senate, and the Committee on Foreign Affairs of*
20 *the House of Representatives a notification that iden-*
21 *tifies the entity involved, the nature of the contract,*
22 *and the rationale for issuing the waiver.*

1 ***Subtitle B—Amendments to General***
2 ***Contracting Authorities, Proce-***
3 ***dures, 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 Defense
8 Authorization Act for Fiscal Year 2008 (Public Law 110–
9 181; 122 Stat. 229; 10 U.S.C. 2533a note) is amended in
10 subsection (f) by striking “on the date that is five years
11 after the date of the enactment of this Act” and inserting
12 “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 that
16 proposals submitted pursuant to such solicitation must in-
17 clude 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 amend-
21 ed—

22 (1) in subsection (b), by striking “subsection (d)”
23 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 de-
6 termines under subsection (a) that the requirement to pro-
7 cure property or services described in subsection (b) for the
8 Department of Defense from a firm in the small arms pro-
9 duction industrial base is not necessary to preserve such
10 industrial base, any such procurement shall be awarded
11 through the use of competitive procedures that afford such
12 industrial base a fair opportunity to be considered for such
13 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 paragraph:

19 “(11) The term ‘produced’, as used in subsections
20 (a) and (b), means melted, or processed in a manner
21 that results in physical or chemical property changes
22 that are the equivalent of melting. The term does not
23 include finishing processes such as rolling, heat treat-
24 ment, quenching, tempering, grinding, or shaving.”.

1 **Subtitle C—Studies and Reports**

2 **SEC. 821. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR**
3 **ACQUISITION AND FUNDING OF TECH-**
4 **NOLOGIES SUPPORTING NETWORK-CENTRIC**
5 **OPERATIONS.**

6 *(a) STUDIES REQUIRED.—*

7 *(1) INDEPENDENT STUDY.—Not later than 90*
8 *days after the date of the enactment of this Act, the*
9 *Secretary of Defense shall enter into a contract with*
10 *an independent federally funded research and develop-*
11 *ment center to carry out a comprehensive study of*
12 *policies, procedures, organization, and regulatory con-*
13 *straints affecting the acquisition of technologies sup-*
14 *porting network-centric operations. The contract shall*
15 *be funded from amounts appropriated pursuant to an*
16 *authorization of appropriations in this Act or other-*
17 *wise made available for fiscal year 2011 for operation*
18 *and maintenance for Defense-wide activities.*

19 *(2) JOINT CHIEFS OF STAFF STUDY.—The Chair-*
20 *man of the Joint Chiefs of Staff shall carry out a*
21 *comprehensive study of the same subjects covered by*
22 *paragraph (1). The study shall be independent of the*
23 *study required by paragraph (1) and shall be carried*
24 *out in conjunction with the military departments and*
25 *in coordination with the Secretary of Defense.*

1 **(b) MATTERS TO BE ADDRESSED.**—*Each study re-*
2 *quired by subsection (a) shall address the following matters:*

3 (1) *Development of a system for understanding*
4 *the various foundational components that contribute*
5 *to network-centric operations, such as data transport,*
6 *processing, storage, data collection, and dissemination*
7 *of information.*

8 (2) *Determining how acquisition and funding*
9 *programs that are in place as of the date of the enact-*
10 *ment of this Act relate to the system developed under*
11 *paragraph (1).*

12 (3) *Development of acquisition and funding*
13 *models using the system developed under paragraph*
14 *(1), including—*

15 (A) *a model under which a joint entity*
16 *independent of any military department (such*
17 *as the Joint Staff) is established with responsi-*
18 *bility and control of all funding for the acquisi-*
19 *tion of technologies for network-centric oper-*
20 *ations, and with authority to oversee the incor-*
21 *poration of such technologies into the acquisition*
22 *programs of the military departments;*

23 (B) *a model under which an executive agent*
24 *is established to manage and oversee the acquisi-*
25 *tion of technologies for network-centric oper-*

1 *ations, but would not have exclusive control of*
2 *the funding for such programs;*

3 *(C) a model under which the acquisition*
4 *and funding programs that are in place as of the*
5 *date of the enactment of this Act are maintained;*
6 *and*

7 *(D) any other model that the entity car-*
8 *rying out the study considers relevant.*

9 *(4) An analysis of each of the models developed*
10 *under paragraph (3) with respect to potential benefits*
11 *in—*

12 *(A) collecting, processing, and dissemi-*
13 *nating information;*

14 *(B) network commonality;*

15 *(C) common communications;*

16 *(D) interoperability;*

17 *(E) mission impact and success; and*

18 *(F) cost-effectiveness.*

19 *(5) An evaluation of each of the models developed*
20 *under paragraph (3) with respect to feasibility, in-*
21 *cluding identification of legal, policy, or regulatory*
22 *barriers that may impede the implementation of such*
23 *model.*

24 *(c) REPORT REQUIRED.—Not later than September*
25 *30, 2011, the Secretary of Defense shall submit to the con-*

1 *gressional defense committees a report on the results of the*
2 *studies required by subsection (a). The report shall include*
3 *the findings and recommendations of the studies and any*
4 *observations and comments that the Secretary considers ap-*
5 *propriate.*

6 (d) *NETWORK-CENTRIC OPERATIONS DEFINED.—In*
7 *this section, the term “network-centric operations” refers to*
8 *the ability to exploit all human and technical elements of*
9 *the Joint Force and mission partners through the full inte-*
10 *gration of collected information, awareness, knowledge, ex-*
11 *perience, and decisionmaking, enabled by secure access and*
12 *distribution, all to achieve agility and effectiveness in a dis-*
13 *persed, decentralized, dynamic, or uncertain operational*
14 *environment.*

15 **SEC. 822. ANNUAL JOINT REPORT AND COMPTROLLER GEN-**
16 **ERAL REVIEW ON CONTRACTING IN IRAQ AND**
17 **AFGHANISTAN.**

18 *The National Defense Authorization Act for Fiscal*
19 *Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C.*
20 *2302 note) is amended by adding at the end of subtitle F*
21 *of title VIII the following new section (and conforming the*
22 *table of sections for such subtitle at the beginning of title*
23 *VIII and at the beginning of such Act accordingly):*

1 **“SEC. 865. ANNUAL JOINT REPORT AND COMPTROLLER**
2 **GENERAL REVIEW ON CONTRACTING IN IRAQ**
3 **AND AFGHANISTAN.**

4 *“(a) JOINT REPORT REQUIRED.—*

5 *“(1) IN GENERAL.—Every 12 months, the Sec-*
6 *retary of Defense, the Secretary of State, and the Ad-*
7 *ministrator of the United States Agency for Inter-*
8 *national Development shall submit to the relevant*
9 *committees of Congress a joint report on contracts in*
10 *Iraq or Afghanistan.*

11 *“(2) MATTERS COVERED.—A report under this*
12 *subsection shall, at a minimum, cover—*

13 *“(A) any significant developments or issues*
14 *with respect to contracts in Iraq and Afghani-*
15 *stan during the reporting period; and*

16 *“(B) the plans of the departments and agen-*
17 *cy for strengthening interagency coordination of*
18 *contracts in Iraq and Afghanistan or in future*
19 *contingency operations, including plans related*
20 *to the common databases identified under section*
21 *861(b)(4).*

22 *“(3) REPORTING PERIOD.—A report under this*
23 *subsection shall cover a period of not less than 12*
24 *months.*

25 *“(4) SUBMISSION OF REPORTS.—The Secretaries*
26 *and the Administrator shall submit an initial report*

1 *under this subsection not later than February 1,*
2 *2011, and shall submit an updated report by Feb-*
3 *ruary 1 of every year thereafter until February 1,*
4 *2013. If the total annual amount of obligations for*
5 *contracts in Iraq and Afghanistan combined is less*
6 *than \$250 million for the reporting period, for the de-*
7 *partments and agency combined, the Secretaries and*
8 *the Administrator may submit a letter documenting*
9 *this in place of a report.*

10 *“(b) COMPTROLLER GENERAL REVIEW AND RE-*
11 *PORT.—*

12 *“(1) IN GENERAL.—Within 180 days after sub-*
13 *mission of each annual joint report required under*
14 *subsection (a), but in no case later than August 5 of*
15 *each year until 2013, the Comptroller General shall*
16 *review the joint report and interagency coordination*
17 *of contracting in Iraq and Afghanistan and submit to*
18 *the relevant committees of Congress a report on such*
19 *review.*

20 *“(2) MATTERS COVERED.—A report under this*
21 *subsection shall, at minimum—*

22 *“(A) review how the Department of Defense,*
23 *the Department of State, and the United States*
24 *Agency for International Development are using*
25 *the data contained in the common databases*

1 *identified under section 861(b)(4) in managing,*
2 *overseeing, and coordinating contracting in Iraq*
3 *and Afghanistan; and*

4 “(B) *assess the plans of the departments*
5 *and agency for strengthening interagency coordi-*
6 *nation of contracts in Iraq and Afghanistan or*
7 *in future contingency operations, particularly*
8 *any plans related to the common databases iden-*
9 *tified under section 861(b)(4).*

10 “(3) *ACCESS TO DATABASES AND OTHER INFOR-*
11 *MATION.—The Secretary of Defense, the Secretary of*
12 *State, and the Administrator of the United States*
13 *Agency for International Development shall provide*
14 *to the Comptroller General full access to information*
15 *on contracts in Iraq and Afghanistan for the purposes*
16 *of the review carried out under this subsection, in-*
17 *cluding the common databases identified under sec-*
18 *tion 861(b)(4).”.*

19 **SEC. 823. EXTENSION OF COMPTROLLER GENERAL REVIEW**
20 **AND REPORT ON CONTRACTING IN IRAQ AND**
21 **AFGHANISTAN.**

22 *Section 863 of the National Defense Authorization Act*
23 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258;*
24 *10 U.S.C. 2302 note) is amended by striking “2010” in sub-*
25 *section (a)(3) and inserting “2011”.*

1 **SEC. 824. INTERIM REPORT ON REVIEW OF IMPACT OF COV-**
2 **ERED SUBSIDIES ON ACQUISITION OF KC-45**
3 **AIRCRAFT.**

4 (a) *INTERIM REPORT.*—*The Secretary of Defense shall*
5 *submit to the congressional defense committees an interim*
6 *report on any review of a covered subsidy initiated pursu-*
7 *ant to subsection (a) of section 886 of the Duncan Hunter*
8 *National Defense Authorization Act for Fiscal Year 2009*
9 *(Public Law 110–417; 122 Stat. 4561) not later than 60*
10 *days after the date of the initiation of the review.*

11 (b) *REPORT CONTENTS.*—*The report required by sub-*
12 *section (a) shall contain detailed findings relating to the*
13 *impact of the covered subsidy that led to the initiation of*
14 *the review on the source selection process for the KC-45 Aer-*
15 *ial Refueling Aircraft Program or any successor to such*
16 *program and whether the covered subsidy would provide an*
17 *unfair competitive advantage to any bidder in the source*
18 *selection process.*

19 **SEC. 825. REPORTS ON JOINT CAPABILITIES INTEGRATION**
20 **AND DEVELOPMENT SYSTEM.**

21 (a) *INDEPENDENT ANALYSES.*—

22 (1) *IN GENERAL.*—*A comprehensive analysis of*
23 *the Joint Capabilities Integration and Development*
24 *System shall be independently performed by each of*
25 *the following:*

26 (A) *The Secretary of Defense.*

1 (B) *A federally funded research and devel-*
2 *opment center selected by the Secretary of De-*
3 *fense.*

4 (2) *MATTERS COVERED.—Each such analysis*
5 *shall—*

6 (A) *evaluate the entire Joint Capabilities*
7 *Integration and Development System and the*
8 *problems associated with it, with particular em-*
9 *phasis on the problems relating to the length of*
10 *time and the costs involved in identifying, as-*
11 *sessing, and validating joint military capability*
12 *needs; and*

13 (B) *identify the best solutions to the prob-*
14 *lems evaluated under subparagraph (A) and de-*
15 *velop recommendations to carry out those solu-*
16 *tions.*

17 (3) *REPORTS.—Not later than six months after*
18 *the date of the enactment of this Act, the Secretary of*
19 *Defense shall submit to the Committees on Armed*
20 *Services of the Senate and the House of Representa-*
21 *tives—*

22 (A) *a report by the Secretary on the anal-*
23 *ysis performed by the Secretary under para-*
24 *graph (1), with particular emphasis on contin-*
25 *uous process improvement; and*

1 (B) a report by the federally funded re-
2 search and development center selected under
3 paragraph (1)(B) on the analysis performed by
4 the center under paragraph (1), together with
5 such comments as the Secretary considers nec-
6 essary on the report.

7 (b) IMPLEMENTATION.—

8 (1) IN GENERAL.—Not later than one year after
9 the date of the enactment of this Act, the Secretary of
10 Defense—

11 (A) shall develop and begin implementing a
12 plan to address the problems with the Joint Ca-
13 pabilities Integration and Development System,
14 taking into account the recommendations devel-
15 oped in the analyses required under subsection
16 (a) and as part of a program to manage per-
17 formance in establishing joint military require-
18 ments; and

19 (B) shall submit to the Committees on
20 Armed Services of the Senate and the House of
21 Representatives a report on the plan, including,
22 at a minimum, a timeline, objectives, milestones,
23 and projected resource requirements.

24 (2) REPORT FORMAT.—The report required
25 under paragraph (1)(B) may be included as part of

1 *any report relating to a program to manage perform-*
2 *ance in establishing joint military requirements.*

3 ***Subtitle D—Other Matters***

4 ***SEC. 831. EXTENSION OF AUTHORITY FOR DEFENSE ACQUI-***
5 ***SITION CHALLENGE PROGRAM.***

6 *Section 2359b(k) of title 10, United States Code, is*
7 *amended by striking “2012” and inserting “2017”.*

8 ***SEC. 832. ENERGY SAVINGS PERFORMANCE CONTRACTS.***

9 *(a) COMPETITION REQUIREMENTS FOR TASK OR DE-*
10 *LIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE*
11 *CONTRACTS.—Section 801 of the National Energy Con-*
12 *servation Policy Act (42 U.S.C. 8287) is amended by add-*
13 *ing at the end the following:*

14 *“(c) TASK OR DELIVERY ORDERS.—(1) The head of*
15 *a Federal agency may issue a task or delivery order under*
16 *an energy savings performance contract by—*

17 *“(A) notifying all contractors that have received*
18 *an award under such contract that the agency pro-*
19 *poses to discuss energy savings performance services*
20 *for some or all of its facilities and, following a rea-*
21 *sonable period of time to provide a proposal in re-*
22 *sponse to the notice, soliciting from such contractors*
23 *the submission of expressions of interest in, and con-*
24 *tractor qualifications for, performing site surveys or*
25 *investigations and feasibility designs and studies, and*

1 *including in the notice summary information con-*
2 *cerning energy use for any facilities that the agency*
3 *has specific interest in including in such task or de-*
4 *livery order;*

5 *“(B) reviewing all expressions of interest and*
6 *qualifications submitted pursuant to the notice under*
7 *subparagraph (A);*

8 *“(C) selecting two or more contractors (from*
9 *among those reviewed under subparagraph (B)) to*
10 *conduct discussions concerning the contractors’ respec-*
11 *tive qualifications to implement potential energy con-*
12 *servation measures, including—*

13 *“(i) requesting references and specific de-*
14 *tailed examples with respect to similar efforts*
15 *and the resulting energy savings of such similar*
16 *efforts; and*

17 *“(ii) requesting an explanation of how such*
18 *similar efforts relate to the scope and content of*
19 *the task or delivery order concerned;*

20 *“(D) selecting and authorizing—*

21 *“(i) more than one contractor (from among*
22 *those selected under subparagraph (C)) to con-*
23 *duct site surveys, investigations, feasibility de-*
24 *signs and studies or similar assessments for the*
25 *energy savings performance contract services (or*

1 *for discrete portions of such services), for the*
2 *purpose of allowing each such contractor to sub-*
3 *mit a firm, fixed-price proposal to implement*
4 *specific energy conservation measures; or*

5 *“(i) one contractor (from among those se-*
6 *lected under subparagraph (C)) to conduct a site*
7 *survey, investigation, a feasibility design and*
8 *study or similar assessment for the purpose of al-*
9 *lowing the contractor to submit a firm, fixed-*
10 *price proposal to implement specific energy con-*
11 *servation measures;*

12 *“(E) providing a debriefing to any contractor*
13 *not selected under subparagraph (D);*

14 *“(F) negotiating a task or delivery order for en-*
15 *ergy savings performance contracting services with*
16 *the contractor or contractors selected under subpara-*
17 *graph (D) based on the energy conservation measures*
18 *identified; and*

19 *“(G) issuing a task or delivery order for energy*
20 *savings performance contracting services to such con-*
21 *tractor or contractors.*

22 *“(2) The issuance of a task or delivery order for energy*
23 *savings performance contracting services pursuant to para-*
24 *graph (1) is deemed to satisfy the task and delivery order*
25 *competition requirements in section 2304c(d) of title 10,*

1 *United States Code, and section 303J(d) of the Federal*
2 *Property and Administrative Services Act of 1949 (41*
3 *U.S.C. 253j(d)).*

4 “(3) *The Secretary may issue guidance as necessary*
5 *to agencies issuing task or delivery orders pursuant to para-*
6 *graph (1).”.*

7 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
8 *section (a) is inapplicable to task or delivery orders issued*
9 *before the date of enactment of this Act.*

10 **SEC. 833. CONSIDERATION OF SUSTAINABLE PRACTICES IN**

11 **PROCUREMENT OF PRODUCTS AND SERV-**

12 **ICES.**

13 (a) *CONSIDERATION OF SUSTAINABLE PRACTICES.*—

14 (1) *IN GENERAL.*—*The Secretary of Defense shall*
15 *develop and issue guidance directing the Secretary of*
16 *each military department and the head of each de-*
17 *fense agency to consider sustainable practices in the*
18 *procurement of products and services. Such guidance*
19 *shall ensure that strategies for acquiring products or*
20 *services to meet departmental or agency performance*
21 *requirements favor products or services described in*
22 *paragraph (2) if such products or services can be ac-*
23 *quired on a life cycle cost-neutral 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 *pleting, 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 the*
6 *acquisition of weapon systems or components of weapon*
7 *systems.*

8 **SEC. 834. DEFINITION OF MATERIALS CRITICAL TO NA-**
9 **TIONAL SECURITY.**

10 *Section 187 of title 10, United States Code, is amended*
11 *by adding at the end the following new subsection:*

12 “(e) **DEFINITIONS.**—*In this section:*

13 “(1) *The term ‘materials critical to national se-*
14 *curity’ means materials—*

15 “(A) *upon which the production or*
16 *sustainment of military equipment is dependent;*
17 *and*

18 “(B) *the supply of which could be restricted*
19 *by actions or events outside the control of the*
20 *Government of the United States.*

21 “(2) *The term ‘military equipment’ means*
22 *equipment used directly by the armed forces to carry*
23 *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 for*
6 *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 other*
11 *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 Gen-*
17 *eral of the United States during fiscal year 2010 may*
18 *be considered as partial fulfillment of the require-*
19 *ments 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 determines*
26 *that a rare earth material is a strategic material or a mate-*

1 *rial critical to national security, the Secretary shall develop*
2 *a plan to ensure the long-term availability of such rare*
3 *earth material, with a goal of establishing domestic sources*
4 *of such material by December 31, 2015. In developing the*
5 *plan, the Secretary shall consider all relevant components*
6 *of the value-chain, including mining, processing, refining,*
7 *and manufacturing. The plan shall include consideration*
8 *of numerous options with respect to the material, includ-*
9 *ing—*

10 *(1) an assessment of including the material in*
11 *the National Defense Stockpile;*

12 *(2) in consultation with the United States Trade*
13 *Representative, the identification of any trade prac-*
14 *tices known to the Secretary that limit the Secretary's*
15 *ability to ensure the long-term availability of such*
16 *material or the ability to meet the goal of establishing*
17 *domestic sources of such material by December 31,*
18 *2015;*

19 *(3) an assessment of the availability of financing*
20 *to industry, academic institutions, or not-for-profit*
21 *entities to provide the capacity required to ensure the*
22 *availability of the material and potential mechanisms*
23 *to increase the availability of such financing;*

24 *(4) the benefits, if any, of Defense Production*
25 *Act funding to support the establishment of a domes-*

1 *tic rare earth manufacturing capability for military*
2 *components;*

3 *(5) funding for research and development of any*
4 *aspect of the rare earth supply-chain;*

5 *(6) any other risk mitigation method determined*
6 *appropriate by the Secretary that is consistent with*
7 *the goal of establishing domestic sources by December*
8 *31, 2015; and*

9 *(7) for components of the rare earth material*
10 *supply-chain for which no other risk mitigation meth-*
11 *od, in accordance with paragraphs (1) through (6),*
12 *will ensure the establishment of a domestic source by*
13 *December 31, 2015, a specific plan to eliminate sup-*
14 *ply-chain vulnerability by the earliest date prac-*
15 *ticable.*

16 *(c) REPORT.—*

17 *(1) REQUIREMENT.—Not later than 180 days*
18 *after the date of the enactment of this Act, the Sec-*
19 *retary of Defense shall submit to the congressional*
20 *committees described in paragraph (2) a report con-*
21 *taining the findings of the assessment under sub-*
22 *section (a) and the plan (if any) developed under sub-*
23 *section (b).*

1 (2) *CONGRESSIONAL COMMITTEES.*—*The congress-*
2 *sional committees described in this paragraph are as*
3 *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 Af-*
10 *fairs of the Senate.*

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

12 (1) *STRATEGIC MATERIAL.*—*The term “strategic*
13 *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 *ITY.*—*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 ac-*
12 *quisition organizations within the Department to de-*
13 *termine which organizations are commonly using the*
14 *exception and the frequency of such usage;*

15 (2) *the range of items or services being acquired*
16 *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 ex-*
20 *ception typically meet the relevant requirements of the*
21 *Federal Acquisition Regulation applicable to the use*
22 *of such exception;*

23 (5) *issues associated with follow-on procurements*
24 *for items or services acquired using such exception;*
25 *and*

1 (6) *potential additional instances where such ex-*
2 *ception could be applied and any authorities avail-*
3 *able to the Department of Defense other than such ex-*
4 *ception 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 shall*
7 *submit to the Committees on Armed Services of the Senate*
8 *and of the House of Representatives a report on the review*
9 *required by subsection (a), including a discussion of each*
10 *of the matters specified in subsection (b). The report shall*
11 *include any recommendations relating to the matters re-*
12 *viewed that the Secretary considers appropriate. The report*
13 *shall be submitted in unclassified form but may include a*
14 *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, tak-*
23 *ing into account the results of the review required by*
24 *subsection (a).*

1 (2) *CONGRESSIONAL COMMITTEES.*—*The congress-*
2 *sional committees described in this paragraph are the*
3 *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 Re-*
9 *form 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 REQUIRE-*
15 *MENTS.*—*Section 872(c) of the Duncan Hunter National*
16 *Defense Authorization Act for Fiscal Year 2009 (Public*
17 *Law 110–417; 122 Stat. 4556) is amended by adding at*
18 *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 this*
2 *section shall take effect not later than 90 days after the date*
3 *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 re-*
9 *quire the directors of a covered entity to establish a govern-*
10 *ment security committee that shall ensure that the covered*
11 *entity employs and maintains policies and procedures that*
12 *meet requirements under the national industrial security*
13 *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 of*
22 *Defense may require that the requirement in subsection (a)*
23 *apply to an entity that meets the elements described in*
24 *paragraphs (1) and (2) of subsection (b) and is a limited*
25 *liability company, sole proprietorship, nonprofit corpora-*

1 *tion, partnership, academic institution, or any other entity*
2 *holding a facility clearance.*

3 *(d) GUIDANCE.—The Secretary of Defense shall develop*
4 *implementing guidance for the requirement in subsection*
5 *(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 the*
11 *requirements of the national industrial security program.*

12 **TITLE IX—DEPARTMENT OF DE-**
13 **FENSE ORGANIZATION AND**
14 **MANAGEMENT**

15 **Subtitle A—Department of Defense**
16 **Management**

17 **SEC. 901. REDESIGNATION OF THE DEPARTMENT OF THE**
18 **NAVY AS THE DEPARTMENT OF THE NAVY**
19 **AND MARINE CORPS.**

20 *(a) REDESIGNATION OF THE DEPARTMENT OF THE*
21 *NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE*
22 *CORPS.—*

23 *(1) REDESIGNATION OF MILITARY DEPART-*
24 *MENT.—The military department designated as the*

1 *Department of the Navy is redesignated as the De-*
2 *partment of the Navy and Marine Corps.*

3 (2) *REDESIGNATION OF SECRETARY AND OTHER*
4 *STATUTORY OFFICES.—*

5 (A) *SECRETARY.—The position of the Sec-*
6 *retary of the Navy is redesignated as the Sec-*
7 *retary of the Navy and Marine Corps.*

8 (B) *OTHER STATUTORY OFFICES.—The po-*
9 *sitions of the Under Secretary of the Navy, the*
10 *four Assistant Secretaries of the Navy, and the*
11 *General Counsel of the Department of the Navy*
12 *are redesignated as the Under Secretary of the*
13 *Navy and Marine Corps, the Assistant Secre-*
14 *taries of the Navy and Marine Corps, and the*
15 *General Counsel of the Department of the Navy*
16 *and Marine Corps, respectively.*

17 (b) *CONFORMING AMENDMENTS TO TITLE 10, UNITED*
18 *STATES CODE.—*

19 (1) *DEFINITION OF “MILITARY DEPARTMENT”.—*
20 *Paragraph (8) of section 101(a) of title 10, United*
21 *States Code, is amended to read as follows:*

22 “(8) *The term ‘military department’ means the*
23 *Department of the Army, the Department of the Navy*
24 *and Marine Corps, and the Department of the Air*
25 *Force.”.*

1 (2) *ORGANIZATION OF DEPARTMENT.*—*The text*
2 *of section 5011 of such title is amended to read as fol-*
3 *lows: “The Department of the Navy and Marine*
4 *Corps is separately organized under the Secretary of*
5 *the Navy and Marine Corps.”.*

6 (3) *POSITION OF SECRETARY.*—*Section*
7 *5013(a)(1) of such title is amended by striking “There*
8 *is a Secretary of the Navy” and inserting “There is*
9 *a Secretary of the Navy and Marine Corps”.*

10 (4) *CHAPTER HEADINGS.*—

11 (A) *The heading of chapter 503 of such title*
12 *is amended to read as follows:*

13 **“CHAPTER 503—DEPARTMENT OF THE**
14 **NAVY AND MARINE CORPS”.**

15 (B) *The heading of chapter 507 of such title*
16 *is amended to read as follows:*

17 **“CHAPTER 507—COMPOSITION OF THE DE-**
18 **PARTMENT OF THE NAVY AND MARINE**
19 **CORPS”.**

20 (5) *OTHER AMENDMENTS.*—

21 (A) *Title 10, United States Code, is amend-*
22 *ed by striking “Department of the Navy” and*
23 *“Secretary of the Navy” each place they appear*
24 *other than as specified in paragraphs (1), (2),*
25 *(3), and (4) (including in section headings, sub-*

1 *section captions, tables of chapters, and tables of*
2 *sections) and inserting “Department of the Navy*
3 *and Marine Corps” and “Secretary of the Navy*
4 *and Marine Corps”, respectively, in each case*
5 *with the matter inserted to be in the same type-*
6 *face and typestyle as the matter stricken.*

7 *(B)(i) Sections 5013(f), 5014(b)(2), 5016(a),*
8 *5017(2), 5032(a), and 5042(a) of such title are*
9 *amended by striking “Assistant Secretaries of the*
10 *Navy” and inserting “Assistant Secretaries of*
11 *the Navy and Marine Corps”.*

12 *(ii) The heading of section 5016 of such*
13 *title, and the item relating to such section in the*
14 *table of sections at the beginning of chapter 503*
15 *of such title, are each amended by inserting “and*
16 *Marine Corps” after “of the Navy”, with the*
17 *matter inserted in each case to be in the same*
18 *typeface and typestyle as the matter amended.*

19 *(c) OTHER PROVISIONS OF LAW AND OTHER REF-*
20 *ERENCES.—*

21 *(1) TITLE 37, UNITED STATES CODE.—Title 37,*
22 *United States Code, is amended by striking “Depart-*
23 *ment of the Navy” and “Secretary of the Navy” each*
24 *place they appear and inserting “Department of the*

1 *Navy and Marine Corps*” and “*Secretary of the Navy*
2 *and Marine Corps*”, respectively.

3 (2) *OTHER REFERENCES.*—*Any reference in any*
4 *law other than in title 10 or title 37, United States*
5 *Code, or in any regulation, document, record, or other*
6 *paper of the United States, to the Department of the*
7 *Navy shall be considered to be a reference to the De-*
8 *partment of the Navy and Marine Corps. Any such*
9 *reference to an office specified in subsection (b)(2)*
10 *shall be considered to be a reference to that officer as*
11 *redesignated by that section.*

12 (d) *EFFECTIVE DATE.*—*This section and the amend-*
13 *ments made by this section shall take effect on the first day*
14 *of the first month beginning more than 60 days after the*
15 *date of the enactment of this Act.*

16 ***SEC. 902. REALIGNMENT OF THE ORGANIZATIONAL STRUC-***
17 ***TURE OF THE OFFICE OF THE SECRETARY OF***
18 ***DEFENSE TO CARRY OUT THE REDUCTION***
19 ***REQUIRED BY LAW IN THE NUMBER OF DEP-***
20 ***UTY UNDER SECRETARIES OF DEFENSE.***

21 (a) *REDESIGNATION OF CERTAIN POSITIONS IN THE*
22 *OFFICE OF THE SECRETARY OF DEFENSE.*—*Positions in*
23 *the Office of the Secretary of Defense of the Department of*
24 *Defense are hereby redesignated as Assistant Secretaries of*
25 *Defense as follows:*

1 (1) *The Director of Defense Research and Engi-*
2 *neering is redesignated as the Assistant Secretary of*
3 *Defense for Research and Engineering.*

4 (2) *The Director of Operational Energy Plans*
5 *and Programs is redesignated as the Assistant Sec-*
6 *retary of Defense for Operational Energy Plans and*
7 *Programs.*

8 (3) *The Director of Cost Assessment and Pro-*
9 *gram Evaluation is redesignated as the Assistant Sec-*
10 *retary of Defense for Cost Assessment and Program*
11 *Evaluation.*

12 (4) *The Assistant to the Secretary of Defense for*
13 *Nuclear and Chemical and Biological Defense Pro-*
14 *grams is redesignated as the Assistant Secretary of*
15 *Defense for Nuclear, Chemical, and Biological Defense*
16 *Programs.*

17 (b) *AMENDMENTS TO CHAPTER 4 OF TITLE 10 RELAT-*
18 *ING TO REALIGNMENT.—Chapter 4 of title 10, United*
19 *States Code, is amended as follows:*

20 (1) *REPEAL OF SEPARATE DEPUTY UNDER SEC-*
21 *RETARY PROVISIONS.—The following sections are re-*
22 *pealed: section 133a, 134a, and 136a.*

23 (2) *COMPONENTS OF OSD.—Section 131(b) is*
24 *amended to read as follows:*

1 “(b) *The Office of the Secretary of Defense is composed*
2 *of the following:*

3 “(1) *The Deputy Secretary of Defense.*

4 “(2) *The Under Secretaries of Defense, as follows:*

5 “(A) *The Under Secretary of Defense for*
6 *Acquisition, Technology, and Logistics.*

7 “(B) *The Under Secretary of Defense for*
8 *Policy.*

9 “(C) *The Under Secretary of Defense*
10 *(Comptroller).*

11 “(D) *The Under Secretary of Defense for*
12 *Personnel and Readiness.*

13 “(E) *The Under Secretary of Defense for In-*
14 *telligence.*

15 “(3) *The Deputy Chief Management Officer of*
16 *the Department of Defense.*

17 “(4) *The Principal Deputy Under Secretaries of*
18 *Defense.*

19 “(5) *The Assistant Secretaries of Defense.*

20 “(6) *Other officers who are appointed by the*
21 *President, by and with the advice and consent of the*
22 *Senate, as follows:*

23 “(A) *The Director of Operational Test and*
24 *Evaluation.*

1 “(B) *The General Counsel of the Depart-*
2 *ment of Defense.*

3 “(C) *The Inspector General of the Depart-*
4 *ment of Defense.*

5 “(7) *Other officials provided for by law, as fol-*
6 *lows:*

7 “(A) *The official designated under section*
8 *1501(a) of this title to have responsibility for De-*
9 *partment of Defense matters relating to missing*
10 *persons as set forth in section 1501 of this title.*

11 “(B) *The official designated under section*
12 *2228(a)(2) of this title to have responsibility for*
13 *Department of Defense policy related to the pre-*
14 *vention and mitigation of corrosion of the mili-*
15 *tary equipment and infrastructure of the Depart-*
16 *ment of Defense and for directing the activities*
17 *of the Office of Corrosion Policy and Oversight.*

18 “(C) *The officials designated under sub-*
19 *sections (a) and (b) of section 2438(a) of this*
20 *title to have responsibility, respectively, for de-*
21 *velopmental test and evaluation and for systems*
22 *engineering.*

23 “(D) *The official designated under section*
24 *2438a(a) of this title to have responsibility for*
25 *conducting and overseeing performance assess-*

1 *ments and root cause analyses for major defense*
2 *acquisition programs.*

3 “(E) *The Director of Small Business Pro-*
4 *grams, provided for under section 2508 of this*
5 *title.*

6 “(8) *Such other offices and officials as may be*
7 *established by law or the Secretary of Defense may es-*
8 *tablish or designate in the Office.”.*

9 (3) *PRINCIPAL DEPUTY UNDER SECRETARIES OF*
10 *DEFENSE.—Section 137a is amended—*

11 (A) *in subsections (a)(1), (b), and (d), by*
12 *striking “Deputy Under” each place it appears*
13 *and inserting “Principal Deputy Under”;*

14 (B) *in subsection (a)(2), by striking “(A)*
15 *The” and all that follows through “(5) of sub-*
16 *section (c)” and inserting “The Principal Dep-*
17 *uty Under Secretaries of Defense”;*

18 (C) *in subsection (c)—*

19 (i) *by striking “One of the Deputy” in*
20 *paragraphs (1), (2), (3), (4), and (5) and*
21 *inserting “One of the Principal Deputy”;*

22 (ii) *by striking “appointed” and all*
23 *that follows through “this title” in para-*
24 *graphs (1), (2), and (3);*

1 (iii) by striking “shall be” in para-
2 graphs (4) and (5) and inserting “is”; and

3 (iv) by adding at the end of paragraph
4 (5) the following new sentence: “Any indi-
5 vidual nominated for appointment as the
6 Principal Deputy Under Secretary of De-
7 fense for Intelligence shall have extensive in-
8 telligence expertise.”; and

9 (D) by adding at the end of subsection (d)
10 the following new sentence: “The Principal Dep-
11 uty Under Secretaries take precedence among
12 themselves in the order prescribed by the Sec-
13 retary of Defense.”.

14 (4) ASSISTANT SECRETARIES OF DEFENSE.—Sec-
15 tion 138 is amended—

16 (A) in subsection (a)—

17 (i) by striking “12” and inserting
18 “17”; and

19 (ii) by striking “(A) The” and all that
20 follows through “The other” and inserting
21 “The”;

22 (B) in subsection (b)—

23 (i) by striking “shall be” in para-
24 graphs (2), (3), (4), (5), and (6) and insert-
25 ing “is”;

1 (ii) by striking “appointed pursuant to
2 section 138a of this title” in paragraph (7);
3 and

4 (iii) by adding at the end the following
5 new paragraphs:

6 “(8) One of the Assistant Secretaries is the Assistant
7 Secretary of Defense for Research and Engineering. In ad-
8 dition 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 for
16 Operational Energy Plans and Programs shall have the du-
17 ties specified in section 138c of this title.

18 “(10) One of the Assistant Secretaries is the Assistant
19 Secretary of Defense for Cost Assessment and Program
20 Evaluation. In addition to any duties and powers pre-
21 scribed under paragraph (1), the Assistant Secretary of De-
22 fense for Cost Assessment and Program Evaluation shall
23 have the duties specified in section 138d of this title.

24 “(11) One of the Assistant Secretaries is the Assistant
25 Secretary of Defense for Nuclear, Chemical, and Biological

1 *Defense Programs. In addition to any duties and powers*
2 *prescribed under paragraph (1), the Assistant Secretary of*
3 *Defense for Nuclear, Chemical, and Biological Defense Pro-*
4 *grams shall have the duties specified in section 138e of this*
5 *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 Defense”.*

11 *(5) ASSISTANT SECRETARY FOR LOGISTICS AND*
12 *MATERIEL READINESS.—Section 138a(a) is amend-*
13 *ed—*

14 *(A) by striking “There is a” and inserting*
15 *“The”; and*

16 *(B) by striking “, appointed from civilian*
17 *life by the President, by and with the advice and*
18 *consent of the Senate. The Assistant Secretary”.*

19 *(6) ASSISTANT SECRETARY FOR RESEARCH AND*
20 *ENGINEERING.—Section 139a is transferred so as to*
21 *appear after section 138a, redesignated as section*
22 *138b, and amended—*

23 *(A) by striking subsection (a);*

24 *(B) by redesignating subsections (b) and (c)*
25 *as subsections (a) and (b), respectively;*

1 (C) in subsection (a), as so redesignated, by
2 striking “Director of Defense” and inserting “As-
3 sistant Secretary of Defense for”; and

4 (D) in subsection (b), as so redesignated—

5 (i) in paragraph (1), by striking “Di-
6 rector of Defense Research and Engineering,
7 in consultation with the Director of Devel-
8 opmental Test and Evaluation” and insert-
9 ing “Assistant Secretary of Defense for Re-
10 search and Engineering, in consultation
11 with the official designated under section
12 2438(a) of this title to have responsibility
13 for developmental test and evaluation func-
14 tions”; and

15 (ii) in paragraph (2), by striking “Di-
16 rector” and inserting “Assistant Secretary”.

17 (7) ASSISTANT SECRETARY FOR OPERATIONAL
18 ENERGY PLANS AND PROGRAMS.—Section 139b is
19 transferred so as to appear after section 138b (as
20 transferred and redesignated by paragraph (6)), re-
21 redesignated as section 138c, and amended—

22 (A) in subsection (a), by striking “There is
23 a” and all that follows through “The Director”
24 and inserting “The Assistant Secretary of De-

1 *fense for Operational Energy Plans and Pro-*
2 *grams”;*

3 *(B) by striking “Director” each place it ap-*
4 *pears and inserting “Assistant Secretary”;*

5 *(C) in subsection (d)(2)—*

6 *(i) by striking “Not later than” and*
7 *all that follows through “military depart-*
8 *ments” and inserting “The Secretary of*
9 *each military department”;*

10 *(ii) by striking “who will” and insert-*
11 *ing “who shall”; and*

12 *(iii) by inserting “so designated” after*
13 *“The officials”; and*

14 *(D) in subsection (d)(4), by striking “The*
15 *initial” and all that follows through “updates to*
16 *the strategy” and inserting “Updates to the*
17 *strategy required by paragraph (1)”.*

18 (8) *ASSISTANT SECRETARY FOR COST ASSESS-*
19 *MENT AND PROGRAM EVALUATION.—Section 139c is*
20 *transferred so as to appear after section 138c (as*
21 *transferred and redesignated by paragraph (7)), re-*
22 *designated as section 138d, and amended—*

23 *(A) by striking subsection (a);*

24 *(B) by redesignating subsection (b) as sub-*
25 *section (a) and in that subsection—*

1 (i) striking “Director of” in paragraph
2 (1) and inserting “Assistant Secretary of
3 Defense for”; and

4 (ii) striking “Director” each place it
5 appears in paragraphs (1)(A), (1)(B), and
6 (2) and inserting “Assistant Secretary”;

7 (C) by striking subsection (c) and inserting
8 the following:

9 “(b) *RESPONSIBILITY FOR SPECIFIED FUNCTIONS.*—
10 There shall be within the office of the Assistant Secretary
11 the following:

12 “(1) An official with primary responsibility for
13 cost assessment.

14 “(2) An official with primary responsibility for
15 program evaluation.”; and

16 (D) by redesignating subsection (d) as sub-
17 section (c) and in that subsection striking “Di-
18 rector of” in the matter preceding paragraph (1)
19 and inserting “Assistant Secretary of Defense
20 for”.

21 (9) *ASSISTANT SECRETARY FOR NUCLEAR, CHEM-*
22 *ICAL, AND BIOLOGICAL DEFENSE PROGRAMS.*—Section
23 142 is transferred so as to appear after section 138d
24 (as redesignated and transferred by paragraph (8)),
25 redesignated as section 138e, and amended—

1 (A) by striking subsection (a);

2 (B) by striking “(b) The Assistant to the
3 Secretary” and inserting “The Assistant Sec-
4 retary of Defense for Nuclear, Chemical, and Bi-
5 ological Defense Programs”; and

6 (C) by striking subsection (c).

7 (c) *OTHER AMENDMENTS TO CHAPTER 4 OF TITLE*
8 *10.—Chapter 4 of title 10, United States Code, is further*
9 *amended as follows:*

10 (1) *OFFICE OF THE SECRETARY OF DEFENSE.—*
11 *Section 131(a) is amended by striking “his” and in-*
12 *serting “the Secretary’s”.*

13 (2) *DEPUTY SECRETARY.—Section 132 is*
14 *amended by striking the second sentence of subsection*
15 *(c).*

16 (3) *DEPUTY CHIEF MANAGEMENT OFFICER.—*
17 *Such chapter is further amended by inserting after*
18 *section 132 the following new section:*

19 **“§ 132a. Deputy Chief Management Officer**

20 “(a) There is a Deputy Chief Management Officer of
21 the Department of Defense, appointed from civilian life by
22 the President, by and with the advice and consent of the
23 Senate.

24 “(b) The Deputy Chief Management Officer assists the
25 Deputy Secretary of Defense in the Deputy Secretary’s ca-

1 *capacity as Chief Management Officer of the Department of*
2 *Defense under section 132(c) of this title.*

3 “(c) *The Deputy Chief Management Officer takes prec-*
4 *edence in the Department of Defense after the Secretary of*
5 *Defense, the Deputy Secretary of Defense, the Secretaries*
6 *of the military departments, and the Under Secretaries of*
7 *Defense.*”.

8 (4) *UNDER SECRETARY OF DEFENSE (COMP-*
9 *TROLLER).*—Section 135(c) is amended by striking
10 “*clauses*” and inserting “*paragraphs*”.

11 (d) *REPEAL OF POSITION TITLES SPECIFIED BY LAW*
12 *FOR STATUTORY POSITIONS RELATING TO DEVELOP-*
13 *MENTAL TEST AND EVALUATION AND SYSTEMS ENGINEER-*
14 *ING.*—

15 (1) *TRANSFER OF SECTION FROM CHAPTER 4 TO*
16 *PROGRAMMATIC CHAPTER.*—Section 139d of title 10,
17 *United States Code, is transferred to chapter 144, in-*
18 *serted after section 2437, and redesignated as section*
19 *2438.*

20 (2) *DIRECTOR OF DEVELOPMENTAL TEST AND*
21 *EVALUATION.*—Subsection (a) of such section is
22 *amended—*

23 (A) *by striking “(a) DIRECTOR OF” and all*
24 *that follows through paragraph (3) and inserting*
25 *the following:*

1 “(a) *DEVELOPMENTAL TEST AND EVALUATION.*—

2 “(1) *DESIGNATION OF RESPONSIBLE OFFICIAL.*—

3 *The Secretary of Defense shall designate, from among*
4 *individuals with expertise in test and evaluation, an*
5 *official to be responsible to the Secretary and the*
6 *Under Secretary of Defense for Acquisition, Tech-*
7 *nology, and Logistics for developmental test and eval-*
8 *uation in the Department of Defense.*

9 “(2) *SUPERVISION.*—*The official designated*
10 *under paragraph (1) shall report directly to an offi-*
11 *cial of the Department appointed from civilian life by*
12 *the President, by and with the advice and consent of*
13 *the Senate.”;*

14 (B) *by redesignating paragraphs (4), (5),*
15 *(6), and (7) as paragraphs (3), (4), (5), and (6),*
16 *respectively;*

17 (C) *in paragraph (3), as so redesignated, by*
18 *striking *DIRECTOR OF SYSTEMS ENGINEERING**
19 *and all that follows through *“Director of Systems**
20 *Engineering”* *and inserting *“SYSTEMS ENGI-**
21 *NEERING.—The official designated under para-*
22 *graph (1) shall closely coordinate with the offi-*
23 *cial designated under subsection (b)”;*

24 (D) *in paragraph (4), as so redesignated, by*
25 *striking *“Director”* in the matter preceding sub-*

1 paragraph (A) and inserting “official designated
2 under paragraph (1)”;

3 (E) in paragraph (5), as so redesignated—

4 (i) by striking “Director has” and in-
5 serting “official designated under para-
6 graph (1) has”;

7 (ii) by striking “Director considers”
8 and inserting “designated official con-
9 siders”; and

10 (iii) by striking “the Director’s duties”
11 and inserting “that official’s duties”; and

12 (F) in paragraph (6), as so redesignated, by
13 striking “serving as the Director of Develop-
14 mental Test and Evaluation” and inserting “of-
15 ficial designated under paragraph (1)”.

16 (3) *DIRECTOR OF SYSTEMS ENGINEERING*.—Sub-
17 section (b) of such section is amended—

18 (A) by striking “(b) *DIRECTOR OF*” and all
19 that follows through paragraph (3) and inserting
20 the following:

21 “(b) *SYSTEMS ENGINEERING*.—

22 “(1) *DESIGNATION OF RESPONSIBLE OFFICIAL*.—
23 *The Secretary of Defense shall designate, from among*
24 *individuals with expertise in systems engineering, an*
25 *official to be responsible to the Secretary and the*

1 *Under Secretary of Defense for Acquisition, Tech-*
2 *nology, and Logistics for systems engineering and de-*
3 *velopment planning in the Department of Defense.*

4 “(2) *SUPERVISION.—The official designated*
5 *under paragraph (1) shall report directly to an offi-*
6 *cial of the Department appointed from civilian life by*
7 *the President, by and with the advice and consent of*
8 *the Senate.”;*

9 (B) *by redesignating paragraphs (4), (5),*
10 *and (6) as paragraphs (3), (4), and (5), respec-*
11 *tively;*

12 (C) *in paragraph (3), as so redesignated, by*
13 *striking “DIRECTOR OF DEVELOPMENTAL TEST*
14 *AND EVALUATION” and all that follows through*
15 *“Director of Developmental Test And Evalua-*
16 *tion” and inserting “DEVELOPMENTAL TEST AND*
17 *EVALUATION.—The official designated under*
18 *paragraph (1) shall closely coordinate with the*
19 *official designated under subsection (a)”;*

20 (D) *in paragraph (4), as so redesignated, by*
21 *striking “Director” in the matter preceding sub-*
22 *paragraph (A) and inserting “official designated*
23 *under paragraph (1)”;* and

24 (E) *in paragraph (5), as so redesignated—*

1 (i) by striking “Director shall” and in-
2 serting “official designated under para-
3 graph (1) shall”;

4 (ii) by striking “Director considers”
5 and inserting “designated official con-
6 siders”; and

7 (iii) by striking “the Director’s duties”
8 and inserting “that official’s duties”.

9 (4) *JOINT ANNUAL REPORT*.—Subsection (c) of
10 such section is amended in the matter preceding
11 paragraph (1)—

12 (A) by striking “beginning in 2010,”;

13 (B) by striking “Director of Developmental
14 Test and Evaluation and the Director of Systems
15 Engineering” and inserting “officials designated
16 under subsections (a) and (b)”;

17 (C) by striking “subsections (a) and (b)”
18 and inserting “those subsections”; and

19 (D) by inserting “such” after “Each”.

20 (5) *JOINT GUIDANCE*.—Subsection (d) of such
21 section is amended in the matter preceding paragraph
22 (1)—

23 (A) by striking “Director of Developmental
24 Test and Evaluation and the Director of Systems

1 *Engineering” and inserting “officials designated*
2 *under subsections (a) and (b)”;* and

3 *(B) by striking “section 103 of the Weapon*
4 *Systems Acquisition Reform Act of 2009” and*
5 *inserting “section 2438a of this title”.*

6 (6) *REPEAL OF REDUNDANT DEFINITION.*—Sub-
7 *section (e) of such section is repealed.*

8 (e) *CODIFICATION OF SECTION 103 OF WEAPON SYS-*
9 *TEMS ACQUISITION REFORM ACT OF 2009.*—

10 (1) *CODIFICATION.*—Chapter 144 of title 10,
11 *United States Code, is amended by inserting after sec-*
12 *tion 2438 (as transferred and redesignated by sub-*
13 *section (d)), a new section 2438a consisting of—*

14 (A) *a section heading as follows:*

15 **“§2438a. Performance assessments and root cause**
16 **analyses”;** and

17 (B) *a text consisting of the text of section*
18 *103 of the Weapon Systems Acquisition Reform*
19 *Act of 2009 (Public Law 111–23; 123 Stat. 1715;*
20 *10 U.S.C. 2430 note), modified as specified in*
21 *paragraph (2).*

22 (2) *TECHNICAL AMENDMENTS DUE TO CODIFICA-*
23 *TION.*—*The modifications referred to in paragraph*
24 *(1)(B) to the text specified in that paragraph are—*

1 (A) in subsection (b)(2), by striking “section
2 2433a(a)(1) of title 10, United States Code (as
3 added by section 206(a) of this Act)” and insert-
4 ing “section 2433a(a)(1) of this title”;

5 (B) in subsection (b)(5)—

6 (i) by striking “section 2433a of title
7 10, United States Code (as so added)” and
8 inserting “section 2433a of this title”; and

9 (ii) by striking “prior to” both places
10 it appears and inserting “before”;

11 (C) in subsection (d), by striking “section
12 2433a of title 10, United States Code (as so
13 added)” and inserting “section 2433a of this
14 title”; and

15 (D) in subsection (f), by striking “beginning
16 in 2010,”.

17 (f) *TRANSFER OF SECTION PROVIDING FOR DIRECTOR*
18 *OF SMALL BUSINESS PROGRAMS.*—Section 144 of title 10,
19 *United States Code, is transferred to chapter 148, inserted*
20 *after section 2507, and redesignated as section 2508.*

21 (g) *REPEAL OF STATUTORY REQUIREMENT FOR OF-*
22 *FICE FOR MISSING PERSONNEL IN OSD.*—Section 1501(a)
23 *of title 10, United States Code, is amended—*

1 (1) *by striking the subsection heading and in-*
2 *serting the following: “RESPONSIBILITY FOR MISSING*
3 *PERSONNEL .—”;*

4 (2) *in paragraph (1)—*

5 (A) *by striking “establish within the Office*
6 *of the Secretary of Defense an office to have re-*
7 *sponsibility for Department of Defense policy”*
8 *in the first sentence and inserting “designate*
9 *within the Office of the Secretary of Defense an*
10 *official as the Deputy Assistant Secretary of De-*
11 *fense for Prisoner of War/Missing Personnel Af-*
12 *airs to have responsibility for Department of*
13 *Defense matters”;*

14 (B) *by striking the second sentence;*

15 (C) *by striking “of the office” and inserting*
16 *“of the official designated under this para-*
17 *graph”;*

18 (D) *by striking “and” at the end of sub-*
19 *paragraph (A);*

20 (E) *by redesignating subparagraph (B) as*
21 *subparagraph (C); and*

22 (F) *by inserting after subparagraph (A) the*
23 *following new subparagraph (B):*

24 “(B) *policy, control, and oversight of the pro-*
25 *gram established under section 1509 of this title, as*

1 *well as the accounting for missing persons (including*
2 *locating, recovering, and identifying missing persons*
3 *or their remains after hostilities have ceased); and”;*

4 *(3) by redesignating paragraphs (2), (3), (4),*
5 *and (5) as paragraphs (3), (4), (5), and (6), respec-*
6 *tively;*

7 *(4) by inserting after paragraph (1) the fol-*
8 *lowing new paragraph (2):*

9 *“(2) The official designated under paragraph (1)*
10 *shall also serve as the Director, Defense Prisoner of*
11 *War/Missing Personnel Office, as established under*
12 *paragraph (6)(A), exercising authority, direction, and*
13 *control over that activity.”.*

14 *(5) in paragraph (3), as so redesignated—*

15 *(A) by striking “of the office” the first place*
16 *it appears; and*

17 *(B) by striking “head of the office” and in-*
18 *serting “official designated under paragraph (1)*
19 *and (2)”;*

20 *(6) in paragraph (4), as so redesignated—*

21 *(A) by striking “office” and inserting “des-*
22 *ignated official”;* and

23 *(B) by inserting after “evasion)” the fol-*
24 *lowing: “and for personnel accounting (including*
25 *locating, recovering, and identifying missing*

1 *persons or their remains after hostilities have*
2 *ceased)”;*

3 *(7) in paragraph (5), as so redesignated, by*
4 *striking “office” and inserting “designated official”;*
5 *and*

6 *(8) in paragraph (6), as so redesignated—*

7 *(A) in subparagraph (A)—*

8 *(i) by inserting after “(A)” the fol-*
9 *lowing: “The Secretary of Defense shall es-*
10 *tablish an activity to account for personnel*
11 *who are missing or whose remains have not*
12 *been recovered from the conflict in which*
13 *they were lost. This activity shall be known*
14 *as the Defense Prisoner of War/Missing Per-*
15 *sonnel Office.”; and*

16 *(ii) by striking “office” both places it*
17 *appears and inserting “activity”;*

18 *(B) in subparagraph (B)(i), by striking “to*
19 *the office” and inserting “activity”;*

20 *(C) in subparagraph (B)(ii)—*

21 *(i) by striking “to the office” and in-*
22 *serting “activity”; and*

23 *(ii) by striking “of the office” and in-*
24 *serting “of the activity”; and*

1 (D) in subparagraph (C), by striking “of-
2 fice” and inserting “activity”.

3 (h) *REPEAL OF STATUTORY REQUIREMENT FOR DI-
4 RECTOR OF OFFICE FOR CORROSION POLICY AND OVER-
5 SIGHT IN OSD.*—Section 2228 of title 10, United States
6 Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking the subsection heading and
9 inserting the following: “OFFICE OF CORROSION
10 POLICY AND OVERSIGHT AND DESIGNATION OF
11 RESPONSIBLE OFFICIAL”;

12 (B) by amending paragraph (2) to read as
13 follows:

14 “(2) The Secretary of Defense shall designate, from
15 among civilian employees of the Department of Defense
16 with the qualifications described in paragraph (4), an offi-
17 cial to be responsible to the Secretary of Defense and the
18 Under Secretary of Defense for Acquisition, Technology,
19 and Logistics for the prevention and mitigation of corrosion
20 of the military equipment and infrastructure of the Depart-
21 ment of Defense and for directing the activities of the Office
22 of Corrosion Policy and Oversight.”;

23 (C) by redesignating paragraphs (3) and
24 (4) as paragraphs (4) and (5), respectively;

1 (D) by inserting after paragraph (2) the fol-
2 lowing new paragraph (3):

3 “(3) The official designated under paragraph (2)
4 shall report directly to the Principal Deputy Under
5 Secretary of Defense for Acquisition, Technology, and
6 Logistics.”.

7 (E) in paragraph (4), as so redesignated, by
8 striking “assigned to the position of Director”
9 and inserting “designated under paragraph (2)”;
10 and

11 (F) in paragraph (5), as so redesignated, by
12 striking “of Director” and inserting “held by the
13 official designated under paragraph (2)”;

14 (2) in subsection (b)—

15 (A) by striking “Director of Corrosion Pol-
16 icy and Oversight (in this section referred to as
17 the ‘Director’)” in paragraph (1) and inserting
18 “official designated under subsection (a)(2)”;
19 and

20 (B) by striking “Director” in paragraphs
21 (2), (3), (4), and (5) and inserting “designated
22 official”;

23 (3) in subsection (c), by striking “ADDITIONAL
24 AUTHORITIES” and all that follows through “author-

1 *ized to—” and inserting “ADDITIONAL DUTIES.—The*
2 *official designated under subsection (a) shall —”; and*
3 *(4) in subsection (e), by striking “beginning with*
4 *the budget for fiscal year 2009,”.*

5 *(i) REPEAL OF STATUTORY LIMITATION ON NUMBER*
6 *OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Section*
7 *906(a)(2) of the National Defense Authorization Act for Fis-*
8 *cal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10*
9 *U.S.C. 137a note) is repealed.*

10 *(j) CONFORMING AMENDMENTS TO TITLE 10.—Title*
11 *10, United States Code, is amended as follows:*

12 *(1) The following sections are amended by strik-*
13 *ing “Director of Cost Assessment and Program Eval-*
14 *uation” and inserting “Assistant Secretary of Defense*
15 *for Cost Assessment and Program Evaluation”:* *sec-*
16 *tions 181(d), 2306b(i)(1)(B), 2366a(a)(4),*
17 *2366a(a)(5), 2366b(a)(1)(C), 2433a(a)(2),*
18 *2433a(b)(2)(C), 2434(b)(1)(A), and 2445c(f)(3).*

19 *(2) Section 179(c) is amended—*

20 *(A) by striking “Assistant to the Secretary*
21 *of Defense for Nuclear and Chemical and Bio-*
22 *logical Defense Programs” in paragraphs (2)*
23 *and (3) and inserting “Assistant Secretary of*
24 *Defense for Nuclear, Chemical, and Biological*
25 *Defense Programs”; and*

1 (B) by striking “to the” in paragraph (3).

2 (3) Section 2272 is amended by striking “Direc-
3 tor of Defense Research and Engineering” each place
4 it appears and inserting “Assistant Secretary of De-
5 fense for Research and Engineering”.

6 (4) Section 2334 is amended—

7 (A) by striking “Director of Cost Assessment
8 and Program Evaluation” each place it appears
9 and inserting “Assistant Secretary of Defense for
10 Cost Assessment and Program Evaluation”; and

11 (B) by striking “Director” each place it ap-
12 pears (other than as specified in subparagraph
13 (A)) and inserting “Assistant Secretary”.

14 (5) Section 2365 is amended—

15 (A) in subsection (a), by striking “Director
16 of Defense Research and Engineering” and in-
17 serting “Assistant Secretary of Defense for Re-
18 search and Engineering”;

19 (B) in subsection (d)(1), by striking “Direc-
20 tor” and inserting “Assistant Secretary”;

21 (C) in subsection (d)(2)—

22 (i) by striking “Director of Defense Re-
23 search and Engineering” and inserting “As-
24 sistant Secretary of Defense for Research
25 and Engineering”; and

1 (ii) by striking “Director may” and
2 inserting “Assistant Secretary may”; and
3 (D) in subsection (e), by striking “Director”
4 and inserting “Assistant Secretary”.

5 (6) Sections 2350a(g)(3), 2366b(a)(3)(D),
6 2374a(a), and 2517(a) are amended by striking “Di-
7 rector of Defense Research and Engineering” and in-
8 serting “Assistant Secretary of Defense for Research
9 and Engineering”.

10 (7) Section 2902(b) is amended—

11 (A) in paragraph (1), by striking “Deputy
12 Under Secretary of Defense for Science and
13 Technology” and inserting “official within the
14 Office of the Assistant Secretary of Defense for
15 Research and Engineering who is responsible for
16 science and technology”; and

17 (B) in paragraph (3), by striking “Deputy
18 Under Secretary of Defense” and inserting “offi-
19 cial within the Office of the Under Secretary of
20 Defense for Acquisition, Technology, and Logis-
21 tics who is”.

22 (k) OTHER CONFORMING AMENDMENTS.—

23 (1) Section 214 of the National Defense Author-
24 ization Act of Fiscal Year 2008 (10 U.S.C. 2521 note)
25 is amended by striking “Director of Defense Research

1 *and Engineering*” and inserting “Assistant Secretary
2 *of Defense for Research and Engineering*”.

3 (2) *Section 201(d) of the Weapon Systems Acqui-*
4 *sition Reform Act of 2009 (10 U.S.C. 181 note) is*
5 *amended—*

6 (A) *by striking “The Director of Cost As-*
7 *essment and Program Evaluation” and insert-*
8 *ing “The Assistant Secretary of Defense for Cost*
9 *Assessment and Program Evaluation”; and*

10 (B) *by striking “the Director” and inserting*
11 *“the Assistant Secretary”.*

12 (l) *SECTION HEADING AND CLERICAL AMEND-*
13 *MENTS.—*

14 (1) *SECTION HEADING AMENDMENTS.—Title 10,*
15 *United States Code, is amended as follows:*

16 (A) *The heading of section 137a is amended*
17 *to read as follows:*

18 **“§ 137a. Principal Deputy Under Secretaries of De-**
19 ***fense*”.**

20 (B) *The heading of section 138b, as trans-*
21 *ferred and redesignated by subsection (b)(6), is*
22 *amended to read as follows:*

1 **“§ 138b. Assistant Secretary of Defense for Research**
2 **and Engineering”.**

3 (C) *The heading of section 138c, as trans-*
4 *ferred and redesignated by subsection (b)(7), is*
5 *amended to read as follows:*

6 **“§ 138c. Assistant Secretary of Defense for Oper-**
7 **ational Energy Plans and Programs”.**

8 (D) *The heading of section 138d, as trans-*
9 *ferred and redesignated by subsection (b)(8), is*
10 *amended to read as follows:*

11 **“§ 138d. Assistant Secretary of Defense for Cost Assess-**
12 **ment and Program Evaluation”.**

13 (E) *The heading of section 138e, as trans-*
14 *ferred and redesignated by subsection (b)(9), is*
15 *amended to read as follows:*

16 **“§ 138e. Assistant Secretary of Defense for Nuclear,**
17 **Chemical, and Biological Defense Pro-**
18 **grams”.**

19 (F) *The heading of section 2228 is amended*
20 *to read as follows:*

21 **“§ 2228. Military equipment and infrastructure: pre-**
22 **vention and mitigation of corrosion”.**

23 (G) *The heading of section 2438 is amended*
24 *to read as follows:*

1 **“§2438. Developmental test and evaluation; systems**
2 **engineering: designation of responsible of-**
3 **ficials; joint guidance”.**

4 (2) *CLERICAL AMENDMENTS.—Title 10, United*
5 *States Code, is further amended as follows:*

6 (A) *The table of sections at the beginning of*
7 *chapter 4 is amended—*

8 (i) *by inserting after the item relating*
9 *to section 132 the following new item:*

“132a. Deputy Chief Management Officer.”;

10 (ii) *by striking the items relating to*
11 *sections 133a, 134a, and 136a;*

12 (iii) *by amending the item relating to*
13 *section 137a to read as follows:*

“137a. Principal Deputy Under Secretaries of Defense.”;

14 (iv) *by inserting after the item relating*
15 *to section 138a the following new items:*

“138b. Assistant Secretary of Defense for Research and Engineering.

“138c. Assistant Secretary of Defense for Operational Energy Plans and Pro-
grams.

“138d. Assistant Secretary of Defense for Cost Assessment and Program Evalua-
tion.

“138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological De-
fense Programs.”; and

16 (v) *by striking the items relating to*
17 *sections 139a, 139b, 139c, 139d, 142, and*
18 *144.*

1 (B) *The item relating to section 2228 in the*
2 *table of sections at the beginning of chapter 131*
3 *is amended to read as follows:*

“2228. Military equipment and infrastructure: prevention and mitigation of corrosion.”.

4 (C) *The table of sections at the beginning of*
5 *chapter 144 is amended by inserting after the*
6 *item relating to section 2437 the following new*
7 *items:*

“2438. Developmental test and evaluation; systems engineering: designation of responsible officials; joint guidance.

“2438a. Performance assessments and root cause analyses.”.

8 (D) *The table of sections at the beginning of*
9 *subchapter II of chapter 148 is amended by in-*
10 *serting after the item relating to section 2507 the*
11 *following new item:*

“2508. Director of Small Business Programs.”.

12 (m) *EXECUTIVE SCHEDULE AMENDMENTS.—Chapter*
13 *53 of title 5, United States Code, is amended as follows:*

14 (1) *NUMBER OF ASSISTANT SECRETARY OF DE-*
15 *FENSE POSITIONS.—Section 5315 is amended by*
16 *striking “Assistant Secretaries of Defense (12)” and*
17 *inserting “Assistant Secretaries of Defense (17)”.*

18 (2) *POSITIONS REDESIGNATED AS ASSISTANT*
19 *SECRETARY POSITIONS.—*

20 (A) *Section 5315 is further amended—*

1 (i) by striking “*Director of Cost Assess-*
2 *ment and Program Evaluation, Department*
3 *of Defense.*”; and

4 (ii) by striking “*Director of Defense*
5 *Research and Engineering.*”.

6 (B) Section 5316 is amended by striking
7 “*Assistant to the Secretary of Defense for Nu-*
8 *clear and Chemical and Biological Defense Pro-*
9 *grams.*”.

10 (3) AMENDMENTS TO DELETE REFERENCES TO
11 POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section
12 5316 is further amended—

13 (A) by striking “*Director, Defense Advanced*
14 *Research Projects Agency, Department of De-*
15 *fense.*”;

16 (B) by striking “*Deputy General Counsel,*
17 *Department of Defense.*”;

18 (C) by striking “*Deputy Under Secretaries*
19 *of Defense for Research and Engineering, De-*
20 *partment of Defense (4).*”; and

21 (D) by striking “*Special Assistant to the*
22 *Secretary of Defense.*”.

23 (n) REFERENCES IN OTHER LAWS, ETC.—Any ref-
24 erence in any provision or law other than title 10, United
25 States Code, or in any rule, regulation, or other paper of

1 *the United States, to any of the offices of the Department*
2 *of Defense redesignated by subsection (a) shall be treated*
3 *as referring to that office as so redesignated.*

4 *(o) EFFECTIVE DATE.—The provisions of this section*
5 *and the amendments made by this section shall take effect*
6 *on January 1, 2011, or on such earlier date for any of such*
7 *provisions as may be prescribed by the Secretary of Defense.*
8 *If the Secretary prescribes an earlier date for any of those*
9 *provisions or amendments, the Secretary shall notify Con-*
10 *gress in writing in advance of such date.*

11 **SEC. 903. UNIFIED MEDICAL COMMAND.**

12 *(a) ASSISTANT SECRETARY OF DEFENSE.—Section*
13 *138(b) of title 10, United States Code, as amended by sec-*
14 *tion 902, is further amended by adding at the end the fol-*
15 *lowing new paragraph:*

16 *“(12) One of the Assistant Secretaries is the As-*
17 *stant Secretary of Defense for Health Affairs. In ad-*
18 *dition to any duties and powers prescribed under*
19 *paragraph (1), the principal duty of the Assistant*
20 *Secretary of Defense for Health Affairs is the overall*
21 *supervision (including oversight of policy and re-*
22 *sources) of all health affairs and medical activities of*
23 *the Department of Defense. The Assistant Secretary of*
24 *Defense for Health Affairs is the principal civilian*
25 *adviser to the Secretary of Defense on health affairs*

1 *and medical matters and, after the Secretary and*
2 *Deputy Secretary, is the principal health affairs and*
3 *medical official within the senior management of the*
4 *Department of Defense.”.*

5 ***(b) UNIFIED COMBATANT COMMAND.—***

6 ***(1) IN GENERAL.—****Chapter 6 of such title is*
7 *amended by inserting after section 167a the following*
8 *new section:*

9 **“§ 167b. Unified combatant command for medical op-**
10 ***erations***

11 ***“(a) ESTABLISHMENT.—****With the advice and assist-*
12 *ance of the Chairman of the Joint Chiefs of Staff, the Presi-*
13 *dent, through the Secretary of Defense, may establish under*
14 *section 161 of this title a unified command for medical op-*
15 *erations (hereinafter in this section referred to as the ‘uni-*
16 *fied medical command’). The principal function of the com-*
17 *mand is to provide medical services to the armed forces and*
18 *other health care beneficiaries of the Department of Defense*
19 *as defined in chapter 55 of this title.*

20 ***“(b) ASSIGNMENT OF FORCES.—****In establishing the*
21 *unified medical command under subsection (a), all active*
22 *military medical treatment facilities, training organiza-*
23 *tions, and research entities of the armed forces shall be as-*
24 *signed to such unified command, unless otherwise directed*
25 *by the Secretary of Defense.*

1 “(c) *GRADE OF COMMANDER.*—*The commander of the*
2 *unified medical command shall hold the grade of general*
3 *or, in the case of an officer of the Navy, admiral while serv-*
4 *ing in that position, without vacating his permanent grade.*
5 *The commander of such command shall be appointed to that*
6 *grade by the President, by and with the advice and consent*
7 *of the Senate, for service in that position. The commander*
8 *of such command shall be a member of a health profession*
9 *described in paragraph (1), (2), (3), (4), (5), or (6) of sec-*
10 *tion 335(j) of title 37. During the five-year period begin-*
11 *ning on the date on which the Secretary establishes the com-*
12 *mand under subsection (a), the commander of such com-*
13 *mand shall be exempt from the requirements of section*
14 *164(a)(1) of this title.*

15 “(d) *SUBORDINATE COMMANDS.*—(1) *The unified med-*
16 *ical command shall have the following subordinate com-*
17 *mands:*

18 “(A) *A command that includes all fixed military*
19 *medical treatment facilities, including elements of the*
20 *Department of Defense that are combined, operated*
21 *jointly, or otherwise operated in such a manner that*
22 *a medical facility of the Department of Defense is op-*
23 *erating in or with a medical facility of another de-*
24 *partment or agency of the United States.*

1 “(B) A command that includes all medical
2 training, education, and research and development
3 activities that have previously been unified or com-
4 bined, including organizations that have been des-
5 ignated as a Department of Defense executive agent.

6 “(C) The Defense Health Agency established
7 under subsection (f).

8 “(2) The commander of a subordinate command of the
9 unified medical command shall hold the grade of lieutenant
10 general or, in the case of an officer of the Navy, vice admiral
11 while serving in that position, without vacating his perma-
12 nent grade. The commander of such a subordinate command
13 shall be appointed to that grade by the President, by and
14 with the advice and consent of the Senate, for service in
15 that position. The commander of such a subordinate com-
16 mand shall also be required to be a surgeon general of one
17 of the military departments.

18 “(e) *AUTHORITY OF COMBATANT COMMANDER.*—(1) In
19 addition to the authority prescribed in section 164(c) of this
20 title, the commander of the unified medical command shall
21 be responsible for, and shall have the authority to conduct,
22 all affairs of such command relating to medical operations
23 activities.

24 “(2) The commander of such command shall be respon-
25 sible for, and shall have the authority to conduct, the fol-

1 *lowing functions relating to medical operations activities*
2 *(whether or not relating to the unified medical command):*

3 “(A) *Developing programs and doctrine.*

4 “(B) *Preparing and submitting to the Secretary*
5 *of Defense program recommendations and budget pro-*
6 *posals for the forces described in subsection (b) and*
7 *for other forces assigned to the unified medical com-*
8 *mand.*

9 “(C) *Exercising authority, direction, and control*
10 *over the expenditure of funds—*

11 “(i) *for forces assigned to the unified med-*
12 *ical command;*

13 “(ii) *for the forces described in subsection*
14 *(b) assigned to unified combatant commands*
15 *other than the unified medical command to the*
16 *extent directed by the Secretary of Defense; and*

17 “(iii) *for military construction funds of the*
18 *Defense Health Program.*

19 “(D) *Training assigned forces.*

20 “(E) *Conducting specialized courses of instruc-*
21 *tion for commissioned and noncommissioned officers.*

22 “(F) *Validating requirements.*

23 “(G) *Establishing priorities for requirements.*

24 “(H) *Ensuring the interoperability of equipment*
25 *and forces.*

1 “(I) *Monitoring the promotions, assignments, re-*
2 *tention, training, and professional military education*
3 *of medical officers described in paragraph (1), (2),*
4 *(3), (4), (5), or (6) of section 335(j) of title 37.*

5 “(3) *The commander of such command shall be respon-*
6 *sible for the Defense Health Program, including the Defense*
7 *Health Program Account established under section 1100 of*
8 *this title.*

9 “(f) *DEFENSE HEALTH AGENCY.—(1) In establishing*
10 *the unified medical command under subsection (a), the Sec-*
11 *retary shall also establish under section 191 of this title a*
12 *defense agency for health care (in this section referred to*
13 *as the ‘Defense Health Agency’), and shall transfer to such*
14 *agency the organization of the Department of Defense re-*
15 *ferred to as the TRICARE Management Activity and all*
16 *functions of the TRICARE Program (as defined in section*
17 *1072(7)).*

18 “(2) *The director of the Defense Health Agency shall*
19 *hold the rank of lieutenant general or, in the case of an*
20 *officer of the Navy, vice admiral while serving in that posi-*
21 *tion, without vacating his permanent grade. The director*
22 *of such agency shall be appointed to that grade by the Presi-*
23 *dent, by and with the advice and consent of the Senate,*
24 *for service in that position. The director of such agency*
25 *shall be a member of a health profession described in para-*

1 *graph (1), (2), (3), (4), (5), or (6) of section 335(j) of title*
2 *37.*

3 “(g) *REGULATIONS.—In establishing the unified med-*
4 *ical command under subsection (a), the Secretary of Defense*
5 *shall prescribe regulations for the activities of the unified*
6 *medical command.”.*

7 (2) *CLERICAL AMENDMENT.—The table of sec-*
8 *tions at the beginning of such chapter is amended by*
9 *inserting after the item relating to section 167a the*
10 *following new item:*

“167b. Unified combatant command for medical operations.”.

11 (c) *PLAN, NOTIFICATION, AND REPORT.—*

12 (1) *PLAN.—Not later than March 31, 2011, the*
13 *Secretary of Defense shall submit to the congressional*
14 *defense committees a comprehensive plan to establish*
15 *the unified medical command authorized under sec-*
16 *tion 167b of title 10, United States Code, as added by*
17 *subsection (b), including any legislative actions the*
18 *Secretary considers necessary to implement the plan.*

19 (2) *NOTIFICATION.—The Secretary shall submit*
20 *to the congressional defense committees written notifi-*
21 *cation of the decision of the Secretary to establish the*
22 *unified medical command under such section 167b by*
23 *not later than the date that is 30 days before estab-*
24 *lishing such command.*

1 (3) *REPORT*.—Not later than 180 days after sub-
2 mitting the notification under paragraph (2), the Sec-
3 retary shall submit to the congressional defense com-
4 mittees a report on—

5 (A) the establishment of the unified medical
6 command; and

7 (B) the establishment of the Defense Health
8 Agency under subsection (f) of such section 167b.

9 **Subtitle B—Space Activities**

10 **SEC. 911. INTEGRATED SPACE ARCHITECTURES.**

11 *The Secretary of Defense and the Director of National*
12 *Intelligence shall jointly establish the capability to conduct*
13 *integrated national security space architecture planning,*
14 *development, coordination, and analysis that—*

15 (1) *encompasses defense and intelligence space*
16 *plans, programs, budgets, and organizations;*

17 (2) *provides mid-term to long-term recommenda-*
18 *tions to guide space-related defense and intelligence*
19 *acquisitions, requirements, and investment decisions;*

20 (3) *is independent of the space architecture plan-*
21 *ning, development, coordination, and analysis activi-*
22 *ties of each military department and each element of*
23 *the intelligence community (as defined in section 3(4)*
24 *of the National Security Act of 1947 (50 U.S.C.*
25 *401a(4)); and*

1 (4) makes use of, to the maximum extent prac-
2 ticable, joint duty assignment positions (as defined in
3 section 668).

4 ***Subtitle C—Intelligence-Related***
5 ***Matters***

6 ***SEC. 921. 5-YEAR EXTENSION OF AUTHORITY FOR SEC-***
7 ***RETARY OF DEFENSE TO ENGAGE IN COM-***
8 ***MERCIAL ACTIVITIES AS SECURITY FOR IN-***
9 ***TELLIGENCE COLLECTION ACTIVITIES.***

10 *The second sentence of section 431(a) of title 10,*
11 *United States Code, is amended by striking “December 31,*
12 *2010” and inserting “December 31, 2015”.*

13 ***SEC. 922. SPACE AND COUNTERSPACE INTELLIGENCE***
14 ***ANALYSIS.***

15 ***(a) DESIGNATION OF LEAD INTEGRATOR.—***

16 ***(1) DESIGNATION.—***

17 ***(A) IN GENERAL.—****The Director of the De-*
18 *fense Intelligence Agency shall designate a lead*
19 *integrator for foreign space and counterspace de-*
20 *fense intelligence analysis.*

21 ***(B) INITIAL DESIGNATION.—****Not later than*
22 *30 days after the date of the enactment of this*
23 *Act, the Director of the Defense Intelligence*
24 *Agency shall designate an initial lead integrator*
25 *under subparagraph (A).*

1 (2) *NOTICE.*—Not later than 30 days after the
2 date on which the Director of the Defense Intelligence
3 Agency designates a lead integrator under paragraph
4 (1)(A), or removes the designation of lead integrator
5 from an individual or organization previously des-
6 ignated under paragraph (1)(A), the Director shall
7 notify the congressional defense committees, the Per-
8 manent Select Committee on Intelligence of the House
9 of Representatives, and the Select Committee on Intel-
10 ligence of the Senate of the designation of such lead
11 integrator or the removal of such designation.

12 (b) *AUTHORITY TO CONDUCT ORIGINAL ANALYSIS.*—
13 The Director of the Defense Intelligence Agency shall au-
14 thorize a lead integrator designated under subsection
15 (a)(1)(A) to conduct original intelligence analysis and pro-
16 duction within the areas of responsibility of such lead inte-
17 grator.

18 (c) *DEFINITIONS.*—In this section:

19 (1) *LEAD INTEGRATOR.*—The term “lead inte-
20 grator” means, with respect to a particular subject
21 matter, an individual or organization with primary
22 responsibility for the review, coordination, and inte-
23 gration of defense intelligence analysis and produc-
24 tion related to such subject matter to—

1 (A) ensure the development of coherent as-
2 sessments and intelligence products; and

3 (B) manage and consolidate defense intel-
4 ligence tasking.

5 (2) *ORIGINAL INTELLIGENCE ANALYSIS*.—The
6 term “original intelligence analysis” means the devel-
7 opment of knowledge and creation of intelligence ma-
8 terials based on raw data and intelligence reporting.

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 (4)
16 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 may
22 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 for*
11 *research, development, test and evaluation activities.”.*

12 (b) *APPLICABILITY.*—*The amendments made by this*
13 *section shall not apply with respect to funds appropriated*
14 *for a fiscal year before fiscal year 2011.*

15 **SEC. 933. TWO-YEAR EXTENSION OF AUTHORITIES RELAT-**
16 **ING TO TEMPORARY WAIVER OF REIMBURSE-**
17 **MENT OF COSTS OF ACTIVITIES FOR NON-**
18 **GOVERNMENTAL PERSONNEL AT DEPART-**
19 **MENT OF DEFENSE REGIONAL CENTERS FOR**
20 **SECURITY STUDIES.**

21 (a) *EXTENSION OF WAIVER.*—*Paragraph (1) of section*
22 *941(b) of the Duncan Hunter National Defense Authoriza-*
23 *tion Act for Fiscal Year 2009 (Public Law 110–417; 122*
24 *Stat. 4577; 10 U.S.C. 184 note) is amended by striking “fis-*
25 *cal years 2009 and 2010” and inserting “fiscal years 2009*
26 *through 2012”.*

1 (b) *ANNUAL REPORT*.—Paragraph (3) of such section
2 is amended by striking “in 2010 and 2011” and inserting
3 “in each year through 2013”.

4 **SEC. 934. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL**
5 **ROLES AND MISSIONS REVIEW IN 2011.**

6 (a) *ADDITIONAL ACTIVITIES CONSIDERED*.—As part of
7 the quadrennial roles and missions review conducted in
8 2011 pursuant to section 118b of title 10, United States
9 Code, the Secretary of Defense shall give consideration to
10 the following activities, giving particular attention to their
11 role in counter-terrorism operations:

12 (1) *Information operations.*

13 (2) *Strategic communications.*

14 (3) *Detention and interrogation.*

15 (b) *ADDITIONAL REPORT REQUIREMENT*.—In the re-
16 port required by section 118b(d) of such title for such review
17 in 2011, the Secretary of Defense shall—

18 (1) *provide clear guidance on the nature and ex-*
19 *tent of which core competencies are associated with*
20 *the activities listed in subsection (a); and*

21 (2) *identify the elements of the Department of*
22 *Defense that are responsible or should be responsible*
23 *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 of
13 Defense shall notify Congress at least 30 days before the
14 permanent relocation of a unit stationed outside the United
15 States.

16 “(b) *ELEMENTS OF NOTIFICATION.*—The notification
17 required by subsection (a) shall include a description of the
18 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 have*
22 *an impact on any security commitments undertaken*
23 *by the United States pursuant to any international*
24 *security treaty, including the North Atlantic Treaty,*
25 *the Treaty of Mutual Cooperation and Security be-*
26 *tween the United States and Japan, and the Security*

1 *Treaty Between Australia, New Zealand, and the*
2 *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 secu-*
7 *rity cooperation activities and bilateral partnership,*
8 *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 and*
13 *execution of comprehensive master plans for overseas*
14 *military main operating bases, forward operating*
15 *sites, and cooperative security locations of the global*
16 *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 provided*
24 *in the agreement between the United States and the*
25 *host nation regarding the installation.*

1 “(d) *DEFINITIONS.*—*In this section:*

2 “(1) *COMBAT ZONE.*—*The term ‘combat zone’ has*
3 *the meaning given that term in section 112(c)(2) of*
4 *the Internal Revenue Code of 1986.*

5 “(2) *GEOGRAPHIC COMBATANT COMMAND.*—*The*
6 *term ‘geographic combatant command’ means a com-*
7 *batant command with a geographic area of responsi-*
8 *bility that does not include North America.*

9 “(3) *UNIT.*—*The term ‘unit’ has the meaning de-*
10 *termined by the Secretary of Defense for purposes of*
11 *this section.”.*

12 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
13 *the beginning of such chapter is amended by inserting after*
14 *the item relating to section 162 the following new item:*

*“162a. Congressional notification before permanent relocation of military units
stationed outside the United States.”.*

15 (c) *REPEAL OF SUPERCEDED NOTIFICATION REQUIRE-*
16 *MENT.*—*Section 1063 of the National Defense Authorization*
17 *Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
18 *2469; 10 U.S.C. 113 note) is repealed.*

19 **TITLE X—GENERAL PROVISIONS**

20 **Subtitle A—Financial Matters**

21 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

22 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

23 (1) *AUTHORITY.*—*Upon determination by the*
24 *Secretary of Defense that such action is necessary in*

1 *the national interest, the Secretary may transfer*
2 *amounts of authorizations made available to the De-*
3 *partment of Defense in this division for fiscal year*
4 *2011 between any such authorizations for that fiscal*
5 *year (or any subdivisions thereof). Amounts of au-*
6 *thorizations so transferred shall be merged with and*
7 *be available for the same purposes as the authoriza-*
8 *tion to which transferred.*

9 (2) *LIMITATION.—Except as provided in para-*
10 *graph (3), the total amount of authorizations that the*
11 *Secretary may transfer under the authority of this*
12 *section may not exceed \$3,500,000,000.*

13 (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*
14 *TARY PERSONNEL AUTHORIZATIONS.—A transfer of*
15 *funds between military personnel authorizations*
16 *under title IV shall not be counted toward the dollar*
17 *limitation in paragraph (2).*

18 (b) *LIMITATIONS.—The authority provided by this sec-*
19 *tion to transfer authorizations—*

20 (1) *may only be used to provide authority for*
21 *items that have a higher priority than the items from*
22 *which authority is transferred; and*

23 (2) *may not be used to provide authority for an*
24 *item that has been denied authorization by Congress.*

1 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—A trans-
2 *fer made from one account to another under the authority*
3 *of this section shall be deemed to increase the amount au-*
4 *thorized for the account to which the amount is transferred*
5 *by an amount equal to the amount transferred.*

6 (d) *NOTICE TO CONGRESS.*—The Secretary shall
7 *promptly notify Congress of each transfer made under sub-*
8 *section (a).*

9 **SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIA-**
10 **TIONS FOR OPERATIONS IN AFGHANISTAN,**
11 **IRAQ, AND HAITI FOR FISCAL YEAR 2010.**

12 *In addition to the amounts otherwise authorized to be*
13 *appropriated by this division, the amounts authorized to*
14 *be appropriated for fiscal year 2010 in title XV of the Na-*
15 *tional Defense Authorization Act for Fiscal Year 2010 (Pub-*
16 *lic Law 111–84) are hereby increased, with respect to any*
17 *such authorized amount, as follows:*

18 (1) *The amounts provided in sections 1502*
19 *through 1507 of such Act for the following procure-*
20 *ment accounts are increased as follows:*

21 (A) *For aircraft procurement, Army, by*
22 *\$182,170,000.*

23 (B) *For weapons and tracked combat vehi-*
24 *cles procurement, Army, by \$3,000,000.*

1 (C) For ammunition procurement, Army,
2 by \$17,055,000.

3 (D) For other procurement, Army, by
4 \$1,997,918,000.

5 (E) For the Joint Improvised Explosive De-
6 vice Defeat Fund, by \$400,000,000.

7 (F) For aircraft procurement, Navy, by
8 \$104,693,000.

9 (G) For other procurement, Navy, by
10 \$15,000,000.

11 (H) For procurement, Marine Corps, by
12 \$18,927,000.

13 (I) For aircraft procurement, Air Force, by
14 \$209,766,000.

15 (J) For ammunition procurement, Air
16 Force, by \$5,000,000.

17 (K) For other procurement, Air Force, by
18 \$576,895,000.

19 (L) For the Mine Resistant Ambush Pro-
20 tected Vehicle Fund, by \$1,123,000,000.

21 (M) For defense-wide activities, by
22 \$189,276,000.

23 (2) The amounts provided in section 1508 of
24 such Act for research, development, test, and evalua-
25 tion are increased as follows:

1 (A) *For the Army, by \$61,962,000.*

2 (B) *For the Navy, by \$5,360,000.*

3 (C) *For the Air Force, by \$187,651,000.*

4 (D) *For defense-wide activities, by*
5 *\$22,138,000.*

6 (3) *The amounts provided in sections 1509,*
7 *1511, 1513, 1514, and 1515 of such Act for operation*
8 *and maintenance are increased as follows:*

9 (A) *For the Army, by \$11,700,965,000.*

10 (B) *For the Navy, by \$2,428,702,000.*

11 (C) *For the Marine Corps, by*
12 *\$1,090,873,000.*

13 (D) *For the Air Force, by \$3,845,047,000.*

14 (E) *For defense-wide activities, by*
15 *\$1,188,421,000.*

16 (F) *For the Army Reserve, by \$67,399,000.*

17 (G) *For the Navy Reserve, by \$61,842,000.*

18 (H) *For the Marine Corps Reserve, by*
19 *\$674,000.*

20 (I) *For the Air Force Reserve, by*
21 *\$95,819,000.*

22 (J) *For the Army National Guard, by*
23 *\$171,834,000.*

24 (K) *For the Air National Guard, by*
25 *\$161,281,000.*

1 (L) For the Defense Health Program, by
2 \$33,367,000.

3 (M) For Drug Interdiction and
4 Counterdrug Activities, Defense-wide, by
5 \$94,000,000.

6 (N) For the Afghanistan Security Forces
7 Fund, by \$2,604,000,000.

8 (O) For the Iraq Security Forces Fund, by
9 \$1,000,000,000.

10 (P) For Overseas Humanitarian, Disaster
11 and Civic Aid, by \$255,000,000.

12 (Q) For Overseas Contingency Operations
13 Transfer Fund, by \$350,000,000.

14 (R) For Working Capital Funds, by
15 \$974,967,000.

16 (4) The amount provided in section 1512 of such
17 Act for military personnel accounts is increased by
18 \$1,895,761,000.

19 **SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.**

20 The budgetary effects of this Act, for the purpose of
21 complying with the Statutory Pay-As-You-Go-Act of 2010,
22 shall be determined by reference to the latest statement titled
23 “Budgetary Effects of PAYGO Legislation” for this Act,
24 submitted for printing in the Congressional Record by the
25 Chairman of the Committee on the Budget of the House of

1 *Representatives, as long as such statement has been sub-*
2 *mitted prior to the vote on passage of this Act.*

3 ***Subtitle B—Counter-Drug Activities***

4 ***SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTER-***
5 ***RORISM CAMPAIGN IN COLOMBIA.***

6 *Section 1021 of the Ronald W. Reagan National De-*
7 *fense Authorization Act for Fiscal Year 2005 (Public Law*
8 *108–375; 118 Stat. 2042), as most recently amended by sec-*
9 *tion 1011 of the National Defense Authorization Act for Fis-*
10 *cal Year 2010 (Public Law 111–84; 123 Stat. 2441), is fur-*
11 *ther amended—*

12 *(1) in subsection (a), by striking “2010” and in-*
13 *serting “2011”; and*

14 *(2) in subsection (c), by striking “2010” and in-*
15 *serting “2011”.*

16 ***SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW EN-***
17 ***FORCEMENT AGENCIES CONDUCTING***
18 ***COUNTERTERRORISM ACTIVITIES.***

19 *Section 1022(b) of the National Defense Authorization*
20 *Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.*
21 *371 note), as most recently amended by section 1012 of the*
22 *National Defense Authorization Act for Fiscal Year 2010*
23 *(Public Law 111–84; 123 Stat. 2441), is further amended*
24 *by striking “2010” and inserting “2011”.*

1 **SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES**
2 **TO SUPPORT FOREIGN COUNTER-DRUG AC-**
3 **TIVITIES.**

4 *Section 1022(a) of the Floyd D. Spence National De-*
5 *fense Authorization Act for Fiscal Year 2001 (as enacted*
6 *into law by Public Law 106–398; 114 Stat. 1654A–255),*
7 *as most recently amended by section 1013 of the National*
8 *Defense Authorization Act for Fiscal Year 2010 (Public*
9 *Law 111–84; 123 Stat. 2442), is further amended by strik-*
10 *ing “February 15, 2010” and inserting “February 15,*
11 *2011”.*

12 **SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF**
13 **CERTAIN FOREIGN GOVERNMENTS.**

14 *(a) IN GENERAL.—Subsection (a)(2) section 1033 of*
15 *the National Defense Authorization Act for Fiscal Year*
16 *1998 (Public Law 105–85; 111 Stat. 1881), as most recently*
17 *amended by section 1014(a) of the National Defense Author-*
18 *ization Act for Fiscal Year 2010 (Public Law 111–84; 123*
19 *Stat. 2442), is further amended by striking “2010” and in-*
20 *serting “2011”.*

21 *(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection*
22 *(e)(2) of such section is amended by striking “fiscal years*
23 *2009 and 2010” and inserting “fiscal years 2010 and*
24 *2011”.*

1 **Subtitle C—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1021. REQUIREMENTS FOR LONG-RANGE PLAN FOR**
4 **CONSTRUCTION OF NAVAL VESSELS.**

5 (a) *IN GENERAL.*—Section 231 of title 10, United
6 States Code, is amended to read as follows:

7 **“§231. Long-range plan for construction of naval ves-**
8 **sels**

9 “(a) *QUADRENNIAL NAVAL VESSEL CONSTRUCTION*
10 *PLAN.*—At the same time that the budget of the President
11 is submitted under section 1105(a) of title 31 during each
12 year in which the Secretary of Defense submits a quadren-
13 nial defense review, the Secretary of the Navy shall submit
14 to the congressional defense committees a long-range plan
15 for the construction of combatant and support vessels for
16 the Navy that supports the force structure recommendations
17 of the quadrennial defense review.

18 “(b) *MATTERS INCLUDED.*—The plan under subsection
19 (a) shall include the following:

20 “(1) A detailed construction schedule of naval
21 vessels for the ten-year period beginning on the date
22 on which the plan is submitted, including a certifi-
23 cation by the Secretary that the budget for the fiscal
24 year in which the plan is submitted and the budget
25 for the future-years defense program submitted under

1 *section 221 of this title are sufficient for funding such*
2 *schedule.*

3 *“(2) A probable construction schedule for the ten-*
4 *year period beginning on the date that is 10 years*
5 *after the date on which the plan is submitted.*

6 *“(3) A notional construction schedule for the ten-*
7 *year period beginning on the date that is 20 years*
8 *after the date on which the plan is submitted.*

9 *“(4) The estimated levels of annual funding nec-*
10 *essary to carry out the construction schedules under*
11 *paragraphs (1), (2), and (3).*

12 *“(5) For the construction schedules under para-*
13 *graphs (1) and (2)—*

14 *“(A) a determination by the Director of*
15 *Cost Assessment and Program Evaluation of the*
16 *level of funding necessary to execute such sched-*
17 *ules; and*

18 *“(B) an evaluation by the Director of the*
19 *potential risk associated with such schedules, in-*
20 *cluding detailed effects on operational plans,*
21 *missions, deployment schedules, and fulfillment*
22 *of the requirements of the combatant com-*
23 *manders.*

1 “(c) *NAVAL COMPOSITION.*—*In submitting the plan*
2 *under subsection (a), the Secretary shall ensure that such*
3 *plan—*

4 “(1) *is in accordance with section 5062(b) of this*
5 *title; and*

6 “(2) *phases the construction of new aircraft car-*
7 *riers during the periods covered by such plan in a*
8 *manner that minimizes the total cost for procurement*
9 *for such vessels.*

10 “(d) *ASSESSMENT WHEN BUDGET IS INSUFFI-*
11 *CIENT.*—*If the budget for a fiscal year provides for funding*
12 *of the construction of naval vessels at a level that is less*
13 *than the level determined necessary by the Director of Cost*
14 *Assessment and Program Evaluation under subsection*
15 *(b)(5), the Secretary of the Navy shall include with the de-*
16 *fense budget materials for that fiscal year an assessment*
17 *that describes and discusses the risks associated with the*
18 *budget, including the risk associated with a reduced force*
19 *structure that may result from funding naval vessel con-*
20 *struction at such a level.*

21 “(e) *CBO EVALUATION.*—*Not later than 60 days after*
22 *the date on which the congressional defense committees re-*
23 *ceive the plan under subsection (a), the Director of the Con-*
24 *gressional Budget Office shall submit to such committees a*
25 *report assessing the sufficiency of the construction schedules*

1 *and the estimated levels of annual funding included in such*
2 *plan with respect to the budget submitted during the year*
3 *in which the plan is submitted and the future-years defense*
4 *program submitted under section 221 of this title.*

5 “(f) *CHANGES TO THE CONSTRUCTION PLAN.—In any*
6 *year in which a quadrennial defense review is not sub-*
7 *mitted, the Secretary of the Navy may not modify the con-*
8 *struction schedules submitted in the plan under subsection*
9 *(a) unless—*

10 “(1) *the modification is an increase in planned*
11 *ship construction;*

12 “(2) *the modification is a realignment of less*
13 *than one year of construction start dates in the fu-*
14 *ture-years defense plan submitted under section 221 of*
15 *this title and the Secretary submits to the congres-*
16 *sional defense committees a report on such modifica-*
17 *tion, including—*

18 “(A) *the reasons for realignment;*

19 “(B) *any increased cost that will be in-*
20 *curred by the Navy because of the realignment;*
21 *and*

22 “(C) *an assessment of the effects that the re-*
23 *alignment will have on the shipbuilding indus-*
24 *trial base, including the secondary supply base;*
25 *or*

1 “(3) *the modification is a decrease in the num-*
2 *ber or type of combatant and support vessels of the*
3 *Navy and the Secretary submits to the congressional*
4 *defense committees a report on such modification, in-*
5 *cluding—*

6 “(A) *an addendum to the most recent quad-*
7 *rennial defense review that fully explains and*
8 *justifies the decrease with respect to the national*
9 *security strategy of the United States as set forth*
10 *in the most recent national security strategy re-*
11 *port of the President under section 108 of the*
12 *National Security Act of 1947 (50 U.S.C. 404a);*
13 *and*

14 “(B) *a description of the additional reviews*
15 *and analyses considered by the Secretary after*
16 *the previous quadrennial defense review was sub-*
17 *mitted that justify the decrease.*

18 “(g) *DEFINITIONS.—In this section:*

19 “(1) *The term ‘budget’, with respect to a fiscal*
20 *year, means the budget for that fiscal year that is*
21 *submitted to Congress by the President under section*
22 *1105(a) of title 31.*

23 “(2) *The term ‘defense budget materials’, with*
24 *respect to a fiscal year, means the materials sub-*

1 mitted to Congress by the Secretary of Defense in sup-
2 port of the budget for that fiscal year.

3 “(3) The term ‘quadrennial defense review’
4 means the review of the defense programs and policies
5 of the United States that is carried out every four
6 years under section 118 of this title.”.

7 (b) *CLERICAL AMENDMENT.*—The table of sections at
8 the beginning of chapter 9 of such title is amended by strik-
9 ing the item relating to section 231 and inserting the fol-
10 lowing new item:

 “231. Long-range plan for construction of naval vessels.”.

11 **SEC. 1022. REQUIREMENTS FOR THE DECOMMISSIONING OF**
12 **NAVAL VESSELS.**

13 (a) *NOTICE OF DECOMMISSIONING.*—The Secretary of
14 the Navy may not decommission any battle force vessel of
15 the active fleet of the Navy unless the Secretary provides
16 to the congressional defense committees written notification
17 of such decommissioning in accordance with established
18 procedures.

19 (b) *CONTENT OF NOTIFICATION.*—Any notification
20 provided under subsection (a) shall include each of the fol-
21 lowing:

22 (1) The reasons for the proposed decommiss-
23 sioning of the vessel.

24 (2) An analysis of the effect the decommissioning
25 would be likely to have on the deployment schedules

1 **SEC. 1024. RETENTION AND STATUS OF CERTAIN NAVAL**
2 **VESSELS.**

3 *The Secretary of the Navy shall retain the vessels the*
4 *U.S.S. Nassau (LHA 4) and the U.S.S. Peleliu (LHA 5),*
5 *in a commissioned and operational status, until the deliv-*
6 *ery to the Navy of the vessels the U.S.S. America (LHA*
7 *6) and the vessel designated as LHA 7, respectively.*

8 **Subtitle D—Counterterrorism**

9 **SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAK-**
10 **ING REWARDS FOR COMBATING TERRORISM.**

11 *Section 127b(c)(3)(C) of title 10, United States Code,*
12 *is amended by striking “2010” and inserting “2011”.*

13 **SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE**
14 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**
15 **TAINED AT UNITED STATES NAVAL STATION,**
16 **GUANTANAMO BAY, CUBA.**

17 *(a) RELEASES.—During the period beginning on Octo-*
18 *ber 1, 2010, and ending on December 31, 2011, the Sec-*
19 *retary of Defense may not use any of the amounts author-*
20 *ized to be appropriated in this Act or otherwise available*
21 *to the Department of Defense to release into the United*
22 *States, its territories, or possessions, any individual de-*
23 *scribed in subsection (d).*

24 *(b) TRANSFERS.—During the period beginning on Oc-*
25 *tober 1, 2010, and ending on December 31, 2011, the Sec-*
26 *retary of Defense may not use any of the amounts author-*

1 ized to be appropriated in this Act or otherwise available
2 to the Department of Defense to transfer any individual de-
3 scribed in subsection (d) to the United States, its territories,
4 or possessions, until 120 days after the President has sub-
5 mitted to the congressional defense committees the plan de-
6 scribed in section 1041(c) of the National Defense Author-
7 ization Act for Fiscal Year 2010 (Public Law 111-84; 123
8 Stat. 2454).

9 (c) *CONSULTATION REQUIRED.*—The President shall
10 consult with the chief executive of the State, the District
11 of Columbia, or the territory or possession of the United
12 States to which the disposition in section 1041(c)(2) of the
13 National Defense Authorization Act for Fiscal Year 2010
14 (Public Law 111-81; 123 Stat. 2454) includes transfer to
15 that State, District of Columbia, or territory or possession.

16 (d) *INDIVIDUALS DESCRIBED.*—An individual de-
17 scribed in this subsection is any individual who is located
18 at United States Naval Station, Guantanamo Bay, Cuba,
19 as of October 1, 2009, who—

20 (1) is not a citizen of the United States or a
21 member of the Armed Forces of the United States; and

22 (2) is—

23 (A) in the custody or under the effective
24 control of the Department of Defense; or

1 (B) otherwise under detention at United
2 States Naval Station, Guantanamo Bay, Cuba.

3 **SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO**
4 **THE TRANSFER OF INDIVIDUALS DETAINED**
5 **AT NAVAL STATION, GUANTANAMO BAY,**
6 **CUBA, TO FOREIGN COUNTRIES AND OTHER**
7 **FOREIGN ENTITIES.**

8 (a) *LIMITATION.*—*The Secretary of Defense may not*
9 *use any of the amounts authorized to be appropriated by*
10 *this Act or otherwise available to the Department of Defense*
11 *to transfer any individual detained at Guantanamo to the*
12 *custody or effective control of the individual's country of*
13 *origin, to any other foreign country, or to any other foreign*
14 *entity unless the Secretary submits to Congress the certifi-*
15 *cation described in subsection (b) by not later than 30 days*
16 *before the transfer of the individual.*

17 (b) *CERTIFICATION.*—*The certification described in*
18 *this subsection is a written certification made by the Sec-*
19 *retary of Defense, with concurrence of the Secretary of*
20 *State, that the government of the foreign country or the rec-*
21 *ognized leadership of the foreign entity to which the indi-*
22 *vidual detained at Guantanamo is to be transferred—*

23 (1) *is not a designated state sponsor of terrorism*
24 *or a designated foreign terrorist organization;*

1 (2) *maintains effective control over each deten-*
2 *tion facility in which an individual is to be detained*
3 *if the individual is to be housed in a detention facil-*
4 *ity;*

5 (3) *is not, as of the date of the certification, fac-*
6 *ing a threat that is likely to substantially affect its*
7 *ability to exercise control over the individual;*

8 (4) *has agreed to take effective steps to ensure*
9 *that the individual cannot take action to threaten the*
10 *United States, its citizens, or its allies in the future;*

11 (5) *has taken such steps as the Secretary deter-*
12 *mines are necessary to ensure that the individual*
13 *cannot engage or re-engage in any terrorist activity;*
14 *and*

15 (6) *has agreed to share any information with the*
16 *United States that—*

17 (A) *is related to the individual or any asso-*
18 *ciates of the individual; and*

19 (B) *could affect the security of the United*
20 *States, its citizens, or its allies.*

21 (c) *PROHIBITION AND WAIVER IN CASES OF PRIOR*
22 *CONFIRMED RECIDIVISM.—*

23 (1) *PROHIBITION.—The Secretary of Defense*
24 *may not use any amount authorized to be appro-*
25 *priated or otherwise made available to the Depart-*

1 *ment of Defense to transfer any individual detained*
2 *at Guantanamo to the custody of the individual's*
3 *country of origin, to any other foreign country, or to*
4 *any other foreign entity if there is a confirmed case*
5 *of any individual who was detained at United States*
6 *Naval Station, Guantanamo Bay, Cuba, at any time*
7 *after September 11, 2001, who was transferred to the*
8 *foreign country or entity and subsequently engaged in*
9 *any terrorist activity.*

10 (2) *WAIVER.—The Secretary of Defense may*
11 *waive the prohibition in paragraph (1) if the Sec-*
12 *retary determines that such a transfer is in the na-*
13 *tional security interests of the United States and in-*
14 *cludes, as part of the certification described in sub-*
15 *section (b) relating to such transfer, the determination*
16 *of the Secretary under this paragraph.*

17 (d) *DEFINITIONS.—For the purposes of this section:*

18 (1) *The term “individual detained at Guanta-*
19 *namo” means any individual who is located at*
20 *United States Naval Station, Guantanamo Bay,*
21 *Cuba, as of October 1, 2009, who—*

22 (A) *is not a citizen of the United States or*
23 *a member of the Armed Forces of the United*
24 *States; and*

25 (B) *is—*

1 (i) *in the custody or under the effective*
2 *control of the Department of Defense; or*

3 (ii) *otherwise under detention at*
4 *United States Naval Station, Guantanamo*
5 *Bay, Cuba*

6 (2) *The term “foreign terrorist organization”*
7 *means any organization so designated by the Sec-*
8 *retary of State under section 219 of the Immigration*
9 *and Nationality Act (8 U.S.C. 1189).*

10 **SEC. 1034. PROHIBITION ON THE USE OF FUNDS TO MODIFY**
11 **OR CONSTRUCT FACILITIES IN THE UNITED**
12 **STATES TO HOUSE DETAINEES TRANS-**
13 **FERRED FROM UNITED STATES NAVAL STA-**
14 **TION, GUANTANAMO BAY, CUBA.**

15 (a) *IN GENERAL.*—*None of the funds authorized to be*
16 *appropriated by this Act may be used to construct or mod-*
17 *ify any facility in the United States, its territories, or pos-*
18 *sessions to house any individual described in subsection (c)*
19 *for the purposes of detention or imprisonment in the cus-*
20 *tody or under the effective control of the Department of De-*
21 *fense.*

22 (b) *EXCEPTION.*—*The prohibition in subsection (a)*
23 *shall not apply to any modification of facilities at United*
24 *States Naval Station, Guantanamo Bay, Cuba.*

1 (c) *INDIVIDUALS DESCRIBED.*—*An individual de-*
2 *scribed in this subsection is any individual who, as of Octo-*
3 *ber 1, 2009, is located at United States Naval Station,*
4 *Guantanamo Bay, Cuba, and who—*

5 (1) *is not a citizen of the United States or a*
6 *member of the Armed Forces of the United States; and*

7 (2) *is—*

8 (A) *in the custody or under the effective*
9 *control of the Department of Defense; or*

10 (B) *otherwise under detention at United*
11 *States Naval Station, Guantanamo Bay, Cuba.*

12 (d) *REPORT ON USE OF FACILITIES IN THE UNITED*
13 *STATES TO HOUSE DETAINEES TRANSFERRED FROM*
14 *GUANTANAMO.*—

15 (1) *REPORT REQUIRED.*—*Not later than April 1,*
16 *2011, the Secretary of Defense shall submit to the con-*
17 *gressional defense committees a report, in classified or*
18 *unclassified form, on the merits, costs, and risks of*
19 *using any proposed facility in the United States, its*
20 *territories, or possessions to house any individual de-*
21 *scribed in subsection (c) for the purposes of detention*
22 *or imprisonment in the custody or under the effective*
23 *control of the Department of Defense.*

1 (2) *ELEMENTS OF THE REPORT.*—*The report re-*
2 *quired in paragraph (1) shall include each of the fol-*
3 *lowing:*

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 iden-*
16 *tifying the merits described in subparagraph (A)*
17 *and for selecting the proposed site over reason-*
18 *able 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 modifica-
2 tions to any such proposed facility to ensure that
3 any detainee transferred from Guantanamo Bay
4 to such facility could not come into contact with
5 any other individual, including any other person
6 detained at such facility, that is not approved
7 for such contact by the Department of Defense,
8 and an assessment of the likely costs of such
9 modifications.

10 (E) A discussion of any support at the site
11 of any such proposed facility that would likely be
12 provided by the Department of Defense, includ-
13 ing the types of support, the number of personnel
14 required for each such type, and an estimate of
15 the cost of such support.

16 (F) A discussion of any support, other than
17 support provided at a proposed facility, that
18 would likely be provided by the Department of
19 Defense for the operation of any such proposed
20 facility, including the types of possible support,
21 the number of personnel required for each such
22 type, and an estimate of the cost of such support.

23 (G) A discussion of the legal issues, in the
24 judgment of the Secretary of Defense, that could
25 be raised as a result of detaining or imprisoning

1 *any individual described in subsection (c) at any*
2 *such proposed facility that could not be raised*
3 *while such individual is detained or imprisoned*
4 *at United States Naval Station, Guantanamo*
5 *Bay, Cuba.*

6 **SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTEC-**
7 **TION POLICIES.**

8 *(a) COMPREHENSIVE REVIEW REQUIRED.—The Sec-*
9 *retary of Defense shall conduct a comprehensive review of*
10 *Department of Defense policies, regulations, instructions,*
11 *and directives pertaining to force protection within the De-*
12 *partment.*

13 *(b) MATTERS COVERED.—The review required under*
14 *subsection (a) shall include an assessment of each of the*
15 *following:*

16 *(1) Information sharing practices across the De-*
17 *partment of Defense, and among the State, local, and*
18 *Federal partners of the Department of Defense.*

19 *(2) Antiterrorism and force protection standards*
20 *relating to standoff distances for buildings.*

21 *(3) Protective standards relating to chemical, bi-*
22 *ological, radiological, nuclear, and high explosives*
23 *threats.*

24 *(4) Standards relating to access to Department*
25 *bases.*

1 (5) *Standards for identity management within*
2 *the Department, including such standards for identity*
3 *cards and biometric identifications systems.*

4 (6) *Procedures for validating and approving in-*
5 *dividuals with regular or episodic access to military*
6 *installations, including military personnel, civilian*
7 *employees, contractors, family members of personnel,*
8 *and other types of visitors.*

9 (7) *Procedures for sharing with appropriate De-*
10 *partment of Defense officials—*

11 (A) *information from the intelligence or law*
12 *enforcement community regarding possible con-*
13 *tacts with terrorists or terrorist groups, criminal*
14 *organizations, or other state and non-state for-*
15 *foreign entities actively working to undermine the*
16 *security interests of the United States; and*

17 (B) *personnel records or other derogatory*
18 *information regarding potentially suspicious ac-*
19 *tivities.*

20 (8) *Any legislative changes recommended for im-*
21 *plementing the recommendations contained in the re-*
22 *view.*

23 (c) *INTERIM REPORT.—Not later than March 1, 2011,*
24 *the Secretary of Defense shall submit an interim report on*
25 *the comprehensive report required under subsection (a).*

1 (d) *FINAL REPORT.*—Not later than June 1, 2011, the
2 *Secretary of Defense shall submit to the Committees on*
3 *Armed Services of the Senate and House of Representatives*
4 *a final report on the comprehensive review required under*
5 *subsection (a). The final report shall include such findings*
6 *and recommendations as the Secretary considers appro-*
7 *priate based on the review, including recommended actions*
8 *to be taken to implement the specific recommendations in*
9 *the final report. The final report shall be submitted in an*
10 *unclassified format, but may include a classified annex.*

11 **SEC. 1036. FORT HOOD FOLLOW-ON REVIEW IMPLEMENTA-**
12 **TION FUND.**

13 (a) *ESTABLISHMENT OF FUND.*—Of the amounts au-
14 *thorized to be appropriated under section 301(5), the Sec-*
15 *retary of Defense shall deposit \$100,000,000 into a fund to*
16 *be known as the “Fort Hood Follow-on Review Implementa-*
17 *tion Fund”. Amounts deposited in the Fund shall be avail-*
18 *able to the Secretary to address the recommendations con-*
19 *tained in the review known as the “Fort Hood Follow-on*
20 *Review”.*

21 (b) *TRANSFER AUTHORITY.*—

22 (1) *TRANSFERS AUTHORIZED.*—Amounts in the
23 *Fort Hood Follow-on Review Implementation Fund*
24 *may be transferred to any of the following accounts*
25 *and funds of the Department of Defense for the pur-*

1 *pose of addressing any of the recommendations con-*
2 *tained the Fort Hood Follow-on Review:*

3 *(A) Military personnel accounts.*

4 *(B) Operation and maintenance accounts.*

5 *(C) Procurement accounts.*

6 *(D) Research, development, test, and evalua-*
7 *tion accounts.*

8 *(E) Defense working capital funds.*

9 *(F) Defense Health Program accounts.*

10 *(2) ADDITIONAL TRANSFER AUTHORITY.—The*
11 *transfer authority provided by paragraph (1) is in*
12 *addition to any other transfer authority available to*
13 *the Department of Defense.*

14 *(3) TRANSFERS BACK TO THE FUND.—Upon the*
15 *Secretary's determination that all or part of the funds*
16 *transferred from the Fort Hood Follow-on Review Im-*
17 *plementation Fund under paragraph (1) are not nec-*
18 *essary for the purpose for which such funds were*
19 *transferred, such funds may be transferred back to the*
20 *Fund.*

21 *(4) PRIOR NOTICE TO CONGRESSIONAL COMMIT-*
22 *TEES.—*

23 *(A) OBLIGATIONS.—No amount may be ob-*
24 *ligated from the Fort Hood Follow-on Review*
25 *Implementation Fund until 30 days after the*

1 *date on which the Secretary of Defense notifies*
2 *the congressional defense committees, in writing,*
3 *of the details of the proposed obligation.*

4 *(B) TRANSFERS.—No amount may be*
5 *transferred under paragraph (1) until 45 days*
6 *after the date on which the Secretary of Defense*
7 *notifies the congressional defense committees, in*
8 *writing, of the details of the proposed transfer.*

9 *(5) EFFECT ON AUTHORIZATION AMOUNTS.—A*
10 *transfer to any account under paragraph (1) shall be*
11 *deemed to increase the amount authorized to be ap-*
12 *propriated for such account for fiscal year 2011 by an*
13 *amount equal to the amount so transferred.*

14 *(c) QUARTERLY OBLIGATION AND EXPENDITURE RE-*
15 *PORTS.—Not later than 15 days after the end of each fiscal*
16 *quarter of fiscal year 2011, the Secretary of Defense shall*
17 *submit to the congressional defense committees a report on*
18 *the Fort Hood Follow-on Review Implementation Fund.*
19 *Such reports shall include explanations of the monthly com-*
20 *mitments, obligations, and expenditures of such Fund, ex-*
21 *pressed by line of action, for the fiscal quarter covered by*
22 *the report.*

1 **SEC. 1037. INSPECTOR GENERAL INVESTIGATION OF THE**
2 **CONDUCT AND PRACTICES OF LAWYERS REP-**
3 **RESENTING INDIVIDUALS DETAINED AT**
4 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

5 (a) *IN GENERAL.*—*The Inspector General of the De-*
6 *partment of Defense shall conduct an investigation of the*
7 *conduct and practices of lawyers described in subsection (c).*
8 *In conducting such investigation, the Inspector General*
9 *shall—*

10 (1) *identify any conduct or practice of such a*
11 *lawyer that has—*

12 (A) *interfered with the operations of the De-*
13 *partment of Defense at Naval Station, Guanta-*
14 *namo Bay, Cuba, relating to individuals de-*
15 *scribed in subsection (d);*

16 (B) *violated any applicable policy of the*
17 *Department;*

18 (C) *violated any law within the exclusive*
19 *investigative jurisdiction of the Inspector Gen-*
20 *eral of the Department of Defense; or*

21 (D) *generated any material risk to a mem-*
22 *ber of the Armed Forces of the United States;*

23 (2) *identify any actions taken by the Depart-*
24 *ment to address any conduct or practice identified in*
25 *paragraph (1); and*

1 (3) *determine whether any such conduct or prac-*
2 *tice undermines the operations of the Department re-*
3 *lating to such individuals.*

4 (b) *LIMITATION.*—*The Inspector General of the De-*
5 *partment of Defense shall initiate the investigation de-*
6 *scribed in subsection (a) 30 days or later after the date of*
7 *the enactment of this Act, unless—*

8 (1) *the Secretary of Defense and the Attorney*
9 *General determine that the investigation described in*
10 *subsection (a) cannot be performed without inter-*
11 *fering with, or otherwise compromising, any related*
12 *criminal investigation, prosecution, or other legal*
13 *proceeding; and*

14 (2) *the Secretary of Defense and the Attorney*
15 *General submit such determination to Congress.*

16 (c) *LAWYERS DESCRIBED.*—*The lawyers described in*
17 *this subsection are military and non-military lawyers—*

18 (1) *who represent individuals described in sub-*
19 *section (d) in proceedings relating to petitions for ha-*
20 *beas corpus or in military commissions; and*

21 (2) *for whom there is reasonable suspicion that*
22 *they have engaged in conduct or practices described in*
23 *subsection (a)(1).*

24 (d) *INDIVIDUALS DESCRIBED.*—*An individual de-*
25 *scribed in this subsection is any individual who is located,*

1 *or who has been located at any time on or after September*
2 *11, 2001, at United States Naval Station, Guantanamo*
3 *Bay, Cuba, and who—*

4 *(1) is not a citizen of the United States or a*
5 *member of the Armed Forces of the United States; and*

6 *(2) is or was—*

7 *(A) in the custody or under the effective*
8 *control of the Department of Defense; or*

9 *(B) otherwise under detention at the United*
10 *States Naval Station, Guantanamo Bay, Cuba.*

11 *(e) REPORT.—Not later than 90 days after the date*
12 *of the completion of an investigation under subsection (a),*
13 *the Inspector General shall submit to the Committees on*
14 *Armed Services of the Senate and House of Representatives*
15 *a report describing the results of such investigation.*

16 *(f) RULE OF CONSTRUCTION.—Nothing in this section*
17 *shall be construed as authorizing—*

18 *(1) the public disclosure of information that is—*

19 *(A) specifically prohibited from disclosure*
20 *by any other provision of law;*

21 *(B) specifically required by Executive Order*
22 *to be protected from disclosure in the interest of*
23 *national defense or national security; or*

24 *(C) a part of an ongoing criminal inves-*
25 *tigation; or*

1 (2) *the Inspector General of the Department of*
2 *Defense to investigate any matter that is solely within*
3 *the investigative jurisdiction of another Federal offi-*
4 *cial or entity.*

5 ***Subtitle E—Studies and Reports***

6 ***SEC. 1041. DEPARTMENT OF DEFENSE AEROSPACE-RE-***
7 ***LATED MISHAP SAFETY INVESTIGATION RE-***
8 ***PORTS.***

9 (a) *PROVISION OF BRIEFINGS.—Not later than 30*
10 *days after the submittal of a written request by the chair-*
11 *man and ranking member of any of the congressional de-*
12 *fense committees, the Secretary of a military department*
13 *shall provide to that committee a briefing on the privileged*
14 *findings, causal factors, and recommendations contained in*
15 *a specific Department of Defense aerospace-related mishap*
16 *safety investigation report.*

17 (b) *BRIEFING ATTENDANCE.—A briefing provided*
18 *under subsection (a) may be attended only by the following*
19 *individuals:*

20 (1) *The chairman of the congressional defense*
21 *committee for which the briefing is provided.*

22 (2) *The ranking member of that committee.*

23 (3) *The chairmen and ranking members of any*
24 *subcommittees of that committee that the committee*
25 *chairman and ranking member jointly designate as*

1 *having jurisdiction over information contained in the*
2 *briefing.*

3 (4) *Not more than four professional staff mem-*
4 *bers designated jointly by the chairman and ranking*
5 *member of the committee.*

6 (c) *AVAILABILITY OF REPORTS.—During a briefing*
7 *provided under subsection (a), two copies of the privileged*
8 *version of the mishap safety investigation report that is the*
9 *subject of the briefing shall be made available for review*
10 *by each of the individuals who attend the briefing pursuant*
11 *to subsection (b). Each copy of the report shall be returned*
12 *to the Department of Defense at the conclusion of the brief-*
13 *ing.*

14 (d) *DEPARTMENT OF DEFENSE AEROSPACE-RELATED*
15 *MISHAP REPORTING REQUIREMENT.—The chairperson who*
16 *is appointed by the Secretary of a military department for*
17 *the purpose of conducting an aerospace-related mishap safe-*
18 *ty board investigation, shall include as an addendum in*
19 *the privileged safety report a discussion—*

20 (1) *comparing and contrasting all of the find-*
21 *ings, causal factors, and recommendations contained*
22 *in the non-privileged, publicly-released version of the*
23 *aerospace-related mishap investigation report;*

24 (2) *describing how such findings, causal factors,*
25 *and recommendations differ from the findings, causal*

1 *factors, and recommendations contained in the privi-*
2 *leged version of the safety report; and*

3 *(3) the rationale that justifies any such dif-*
4 *ferences.*

5 **SEC. 1042. INTERAGENCY NATIONAL SECURITY KNOWL-**
6 **EDGE AND SKILLS.**

7 *(a) STUDY REQUIRED.—*

8 *(1) SELECTION OF INDEPENDENT STUDY ORGANI-*
9 *ZATION.—Not later than 60 days after the date of the*
10 *enactment of this Act, the Secretary of Defense shall*
11 *select and enter into an agreement with an appro-*
12 *priate independent, nonprofit organization to conduct*
13 *a study of the matters described in subsection (b).*

14 *(2) QUALIFICATIONS OF ORGANIZATION SE-*
15 *LECTED.—The organization selected shall be qualified*
16 *on the basis of having performed related prior work*
17 *in the fields of national security and human capital*
18 *development, and on the basis of such other criteria*
19 *as the Secretary of Defense may determine.*

20 *(b) MATTERS TO BE COVERED.—The study required*
21 *by subsection (a) shall assess the current state of inter-*
22 *agency national security knowledge and skills in Depart-*
23 *ment of Defense civilian and military personnel, and make*
24 *recommendations for strengthening such knowledge and*

1 *skills. At minimum, the study shall include assessments and*
2 *recommendations on—*

3 *(1) interagency national security training, edu-*
4 *cation, and rotational assignment opportunities*
5 *available to civilians and military personnel;*

6 *(2) integration of interagency national security*
7 *education into the professional military education*
8 *system;*

9 *(3) level of interagency national security knowl-*
10 *edge and skills possessed by personnel currently serv-*
11 *ing in civilian executive and general or flag officer*
12 *positions, as represented by the interagency edu-*
13 *cation, training, and professional experiences they*
14 *have undertaken;*

15 *(4) incentives that enable and encourage mili-*
16 *tary and civilian personnel to undertake interagency*
17 *assignment, education, and training opportunities, as*
18 *well as disincentives and obstacles that discourage un-*
19 *dertaking such opportunities; and*

20 *(5) any plans or current efforts to improve the*
21 *interagency national security knowledge and skills of*
22 *civilian and military personnel.*

23 *(c) REPORT.—Not later than December 1, 2011, the*
24 *Secretary of Defense shall submit to the congressional de-*

1 *fense committees a report containing the findings and rec-*
2 *ommendations from the study required by subsection (a).*

3 (d) *DEFINITION.*—*In this section, the term “inter-*
4 *agency national security knowledge and skills” means an*
5 *understanding of, and the ability to efficiently and expedi-*
6 *tiously work within, the structures, mechanisms, and proc-*
7 *esses by which the departments, agencies, and elements of*
8 *the Federal Government that have national security mis-*
9 *sions coordinate and integrate their policies, capabilities,*
10 *budgets, expertise, and activities to accomplish such mis-*
11 *sions.*

12 **SEC. 1043. REPORT ON ESTABLISHING A NORTHEAST RE-**
13 **REGIONAL JOINT TRAINING CENTER.**

14 (a) *REPORT REQUIRED.*—*Not later than 90 days after*
15 *the date of the enactment of this Act, the Secretary of De-*
16 *fense shall submit to the congressional defense committees*
17 *a report on the need for the establishment of a Northeast*
18 *Regional Joint Training Center.*

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

21 (1) *A list of facilities in the Northeastern United*
22 *States at which, as of the date of the enactment of this*
23 *Act, the Department of Defense has deployed or has*
24 *committed to deploying a joint training experimen-*
25 *tation network.*

1 (2) *The extent to which such facilities have suffi-*
2 *cient unused capacity and expertise to accommodate*
3 *and fully utilize a permanent joint training experi-*
4 *mentation node.*

5 (3) *A list of potential locations for the regional*
6 *center discussed in the report.*

7 (c) *CONSIDERATIONS WITH RESPECT TO LOCATION.—*
8 *In determining potential locations for the regional center*
9 *of excellence to be discussed in the report required under*
10 *subsection (a), the Secretary of Defense shall take into con-*
11 *sideration Department of Defense facilities that have—*

12 (1) *a workforce of skilled personnel;*

13 (2) *live, virtual, and constructive training capa-*
14 *bilities, and the ability to digitally connect them and*
15 *the associated battle command structure at the tac-*
16 *tical and operational levels;*

17 (3) *an extensive deployment history in Oper-*
18 *ation Enduring Freedom and Operation Iraqi Free-*
19 *dom;*

20 (4) *a location in the Northeastern United 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 unmanned*
3 *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 Rep-*
10 *resentatives a report evaluating the sufficiency, adequacy,*
11 *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 generation*
18 *fighters, as required by section 131 of the National*
19 *Defense Authorization Act for Fiscal Year 2010 (Pub-*
20 *lic 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 Rep-*
23 *resentatives numbered 111–288, which accompanied*
24 *the conference report for the National Defense Author-*

1 *ization Act for Fiscal Year 2010 (Public Law 111–*
2 *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 exten-*
9 *sion program compared to other options such as pro-*
10 *curement 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 service*
14 *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 Sec-*
25 *retary of Defense, in consultation with the Administrator*

1 *for Nuclear Security, shall submit to the congressional de-*
2 *fense committees a report on the nuclear triad.*

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

5 (1) *A detailed discussion of the modernization*
6 *and sustainment plans for each component of the nu-*
7 *clear triad over the 20-year period beginning on the*
8 *date of the report.*

9 (2) *The funding required for each platform of the*
10 *nuclear triad with respect to operations and mainte-*
11 *nance, 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 Congress*
21 *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 *urity and freedom of action of the Department while*
4 *operating in the cyber domain.*

5 (b) *STUDY.*—*The Secretary of Defense shall conduct a*
6 *study assessing—*

7 (1) *the current use of, and potential applications*
8 *of, modeling and simulation tools to identify likely*
9 *cybersecurity methodologies and vulnerabilities within*
10 *the Department of Defense.*

11 (2) *the application of modeling and simulation*
12 *technology to develop strategies and programs to deter*
13 *hostile or malicious activity intended to compromise*
14 *Department of Defense information systems.*

15 (c) *REPORT.*—*Not later than January 1, 2012, the*
16 *Secretary of Defense shall submit to the Committees on*
17 *Armed Services of the House of Representatives and the*
18 *Senate a report containing the results of the study con-*
19 *ducted under subsection (b), including recommendations on*
20 *possible options for increasing the use of simulation tools*
21 *to further strengthen the cybersecurity environment of the*
22 *Department of Defense.*

23 (d) *FORM.*—*The report required under subsection (c)*
24 *shall be submitted in unclassified form, but may include*
25 *a classified annex.*

1 ***Subtitle F—Other Matters***

2 ***SEC. 1051. NATIONAL DEFENSE PANEL.***

3 *Subsection (f) of section 118 of title 10, United States*
4 *Code, is amended to read as follows:*

5 “(f) *NATIONAL DEFENSE PANEL.—*

6 “(1) *ESTABLISHMENT.—Not later than February*
7 *1 of a year in which a quadrennial defense review is*
8 *conducted under this section, there shall be established*
9 *a bipartisan, independent panel to be known as the*
10 *National Defense Panel (in this section referred to as*
11 *the ‘Panel’). The Panel shall have the duties set forth*
12 *in this subsection.*

13 “(2) *MEMBERSHIP.—The Panel shall be com-*
14 *posed of ten members who are recognized experts in*
15 *matters relating to the national security of the United*
16 *States. Eight of the members shall be appointed as*
17 *follows:*

18 “(A) *Two by the chairman of the Committee*
19 *on Armed Services of the House of Representa-*
20 *tives.*

21 “(B) *Two by the chairman of the Committee*
22 *on Armed Services of the Senate.*

23 “(C) *Two by the ranking member of the*
24 *Committee on Armed Services of the House of*
25 *Representatives.*

1 “(D) *Two by the ranking member of the*
2 *Committee on Armed Services of the Senate.*

3 “(3) *CO-CHAIRS OF THE PANEL.—In addition to*
4 *the members appointed under paragraph (2), the Sec-*
5 *retary of Defense shall appoint two members, one*
6 *from each of the major political parties, to serve as*
7 *co-chairs of the panel.*

8 “(4) *PERIOD OF APPOINTMENT; VACANCIES.—*
9 *Members shall be appointed for the life of the Panel.*
10 *Any vacancy in the Panel shall be filled in the same*
11 *manner as the original appointment.*

12 “(5) *DUTIES.—The Panel shall have the fol-*
13 *lowing duties with respect to a quadrennial defense*
14 *review:*

15 “(A) *Not later than March 1 of a year in*
16 *which the review is conducted, the Panel shall*
17 *submit to the Secretary of Defense a report that*
18 *sets the parameters and provide guidance to the*
19 *Secretary on the conduct of the review. The re-*
20 *port of the Panel under this subparagraph shall,*
21 *at a minimum, include such guidance as is nec-*
22 *essary to ensure that the review is conducted in*
23 *a manner that provides for adequately address-*
24 *ing all elements listed in subsection (d).*

1 “(B) While the review is being conducted,
2 the Panel shall review the updates from the Sec-
3 retary of Defense required under paragraph (8)
4 on the conduct of the review.

5 “(C) The Panel shall—

6 “(i) review the Secretary of Defense’s
7 terms of reference and any other materials
8 providing the basis for, or substantial in-
9 puts to, the work of the Department of De-
10 fense on the quadrennial defense review;

11 “(ii) conduct an assessment of the as-
12 sumptions, strategy, findings, and risks of
13 the report on the quadrennial defense review
14 required in subsection (d), with particular
15 attention paid to the risks described in that
16 report;

17 “(iii) conduct an independent assess-
18 ment of a variety of possible force structures
19 of the armed forces, including the force
20 structure identified in the report on the
21 quadrennial defense review required in sub-
22 section (d);

23 “(iv) review the resource requirements
24 identified pursuant to subsection (b)(3) and,
25 to the extent practicable, make a general

1 *comparison to the resource requirements to*
2 *support the forces contemplated under the*
3 *force structures assessed under subpara-*
4 *graph (C); and*

5 *“(v) provide to Congress and the Sec-*
6 *retary of Defense, through the report under*
7 *paragraph (7), any recommendations it*
8 *considers appropriate for their consider-*
9 *ation.*

10 *“(6) FIRST MEETING.—If the Secretary of De-*
11 *fense has not made the Secretary’s appointments to*
12 *the Panel under paragraph (3) by February 1 of a*
13 *year in which a quadrennial defense review is con-*
14 *ducted under this section, the Panel shall convene for*
15 *its first meeting with the remaining members.*

16 *“(7) REPORT.—Not later than three months after*
17 *the date on which the report on a quadrennial defense*
18 *review is submitted under subsection (d) to the con-*
19 *gressional committees named in that subsection, the*
20 *Panel established under paragraph (1) shall submit to*
21 *those committees an assessment of the quadrennial de-*
22 *fense review, including a description of the items ad-*
23 *dressed under paragraph (5) with respect to that*
24 *quadrennial defense review.*

1 “(8) *UPDATES FROM SECRETARY OF DEFENSE.—*
2 *The Secretary of Defense shall periodically, but not*
3 *less often than every 30 days, brief the Panel on the*
4 *progress of the conduct of a quadrennial defense re-*
5 *view under subsection (a).*

6 “(9) *ADMINISTRATIVE PROVISIONS.—*

7 “(A) *The Panel may secure directly from*
8 *the Department of Defense and any of its compo-*
9 *nents such information as the Panel considers*
10 *necessary to carry out its duties under this sub-*
11 *section. The head of the department or agency*
12 *concerned shall ensure that information re-*
13 *quested by the Panel under this paragraph is*
14 *promptly provided.*

15 “(B) *Upon the request of the co-chairs of the*
16 *Panel, the Secretary of Defense shall make avail-*
17 *able to the Panel the services of any federally*
18 *funded research and development center that is*
19 *covered by a sponsoring agreement of the Depart-*
20 *ment of Defense.*

21 “(C) *The Panel shall have the authorities*
22 *provided in section 3161 of title 5, United States*
23 *Code, and shall be subject to the conditions set*
24 *forth in such section.*

1 “(D) Funds for activities of the Panel shall
2 be provided from amounts available to the De-
3 partment of Defense.

4 “(10) *TERMINATION.*—The Panel for a quadren-
5 nial defense review shall terminate 45 days after the
6 date on which the Panel submits its final report on
7 the quadrennial defense review under paragraph
8 (7).”.

9 **SEC. 1052. QUADRENNIAL DEFENSE REVIEW.**

10 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
11 that the quadrennial defense review is a critical strategic
12 document and should be based upon a process uncon-
13 strained by budgetary influences so that such influences do
14 not determine or limit its outcome.

15 (b) *RELATIONSHIP OF QUADRENNIAL DEFENSE RE-*
16 *VIEW TO DEFENSE BUDGET.*—Paragraph (4) of section
17 118(b) of title 10, United States Code, is amended to read
18 as follows:

19 “(4) to make recommendations that will not be
20 influenced, constrained, or informed by the budget
21 submitted to Congress by the President pursuant to
22 section 1105 of title 31.”.

1 **SEC. 1053. SALE OF SURPLUS MILITARY EQUIPMENT TO**
2 **STATE AND LOCAL HOMELAND SECURITY**
3 **AND EMERGENCY MANAGEMENT AGENCIES.**

4 (a) *STATE AND LOCAL AGENCIES TO WHICH SALES*
5 *MAY BE MADE.*—Section 2576 of title 10, United States
6 *Code, is amended—*

7 (1) *in subsection (a)—*

8 (A) *by striking “local law enforcement and*
9 *firefighting” and inserting “local law enforce-*
10 *ment, firefighting, homeland security, and emer-*
11 *gency management”;* and

12 (B) *by striking “carrying out law enforce-*
13 *ment and firefighting activities” and inserting*
14 *“carrying out law enforcement, firefighting,*
15 *homeland security, and emergency management*
16 *activities”;* and

17 (2) *in subsection (b), by striking “law enforce-*
18 *ment or firefighting” both places it appears and in-*
19 *serting “law enforcement, firefighting, homeland secu-*
20 *rity, or emergency management”.*

21 (b) *TYPES OF EQUIPMENT THAT MAY BE SOLD.*—

22 *Subsection (a) of such section, as amended by subsection*
23 *(a) of this section, is further amended by striking “and pro-*
24 *TECTIVE BODY ARMOR” and inserting “personal protective*
25 *equipment, and other appropriate equipment”.*

26 (c) *CLERICAL AMENDMENTS.*—

1 (1) *SECTION HEADING.*—*The heading of such sec-*
2 *tion is amended to read as follows:*

3 **“§2576. Surplus military equipment: sale to State and**
4 **local law enforcement, firefighting, home-**
5 **land security, and emergency manage-**
6 **ment agencies”.**

7 (2) *TABLE OF SECTIONS.*—*The item relating to*
8 *such section in the table of sections at the beginning*
9 *of chapter 153 of such title is amended to read as fol-*
10 *lows:*

 “2576. *Surplus military equipment: sale to State and local law enforcement, fire-*
 fighting, homeland security, and emergency management agen-
 cies.”.

11 **SEC. 1054. DEPARTMENT OF DEFENSE RAPID INNOVATION**
12 **PROGRAM.**

13 (a) *PROGRAM ESTABLISHED.*—*The Secretary of De-*
14 *fense shall establish a program to accelerate the fielding of*
15 *innovative technologies developed using Department of De-*
16 *fense research funding and the commercialization of such*
17 *technologies. Not later than 180 days after the date of the*
18 *enactment of this Act, the Secretary shall issue guidelines*
19 *for the operation of the program, including—*

20 (1) *criteria for an application for funding by a*
21 *military department, defense agency, or the unified*
22 *combatant command for special operations forces;*

23 (2) *the purposes for which such a department,*
24 *agency, or command may apply for funds and appro-*

1 *pr*iate requirements for technology development or
2 *commercialization to be supported using program*
3 *funds;*

4 (3) *the priorities, if any, to be provided to field*
5 *or commercialize technologies developed by certain*
6 *types of Department of Defense research funding; and*

7 (4) *criteria for evaluation of an application for*
8 *funding by a department, agency, or command.*

9 (b) *APPLICATIONS FOR FUNDING.—*

10 (1) *IN GENERAL.—Under the program, the Sec-*
11 *retary shall, not less often than annually, solicit from*
12 *the heads of the military departments, the defense*
13 *agencies, and the unified combatant command for*
14 *special operations forces applications for funding to*
15 *be used to enter into contracts, cooperative agree-*
16 *ments, or other transaction agreements entered into*
17 *pursuant to section 845 of the National Defense Au-*
18 *thorization Act for Fiscal Year 1994 (Public Law*
19 *103-160; 107 Stat. 1721; 10 U.S.C. 2371 note) with*
20 *appropriate entities for the fielding or commercializa-*
21 *tion of technologies.*

22 (2) *TREATMENT PURSUANT TO CERTAIN CON-*
23 *GRESSIONAL RULES.—Nothing in this section shall be*
24 *interpreted to require any official of the Department*
25 *of Defense to provide funding under this section to*

1 *any earmark as defined pursuant to House Rule XXI,*
2 *clause 9, or any congressionally directed spending*
3 *item as defined pursuant to Senate Rule XLIV, para-*
4 *graph 5.*

5 *(c) FUNDING.—Subject to the availability of appro-*
6 *priations for such purpose, of the amounts authorized to*
7 *be appropriated for research, development, test, and evalua-*
8 *tion, defense-wide for each of fiscal years 2011 through*
9 *2015, not more than \$500,000,000 may be used for any such*
10 *fiscal year for the program established under subsection (a).*

11 *(d) TRANSFER AUTHORITY.—The Secretary may*
12 *transfer funds available for the program to the research, de-*
13 *velopment, test, and evaluation accounts of a military de-*
14 *partment, defense agency, or the unified combatant com-*
15 *mand for special operations forces pursuant to an applica-*
16 *tion, or any part of an application, that the Secretary de-*
17 *termines would support the purposes of the program. The*
18 *transfer authority provided in this subsection is in addition*
19 *to any other transfer authority available to the Department*
20 *of Defense.*

21 *(e) DELEGATION OF MANAGEMENT OF PROGRAM.—The*
22 *Secretary may delegate the management and operation of*
23 *the program established under subsection (a) to the Assist-*
24 *ant Secretary of Defense for Research and Engineering.*

1 (f) *REPORT.*—Not later than 60 days after the last day
2 of a fiscal year during which the Secretary carries out a
3 program under this section, the Secretary shall submit a
4 report to the congressional defense committees providing a
5 detailed description of the operation of the program during
6 such fiscal year.

7 (g) *TERMINATION.*—The authority to carry out a pro-
8 gram under this section shall terminate on September 30,
9 2015. Any amounts made available for the program that
10 remain available for obligation on the date the program ter-
11 minates may be transferred under subsection (d) during the
12 180-day period beginning on the date of the termination
13 of the program.

14 **SEC. 1055. TECHNICAL AND CLERICAL AMENDMENTS.**

15 (a) *TITLE 5, UNITED STATES CODE.*—Subsection
16 (l)(2)(B) of section 8344 of title 5, United States Code, as
17 added by section 1122(a) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
19 Stat. 2505), is amended by striking “5201 et seq.” and in-
20 serting “5211 et seq.”.

21 (b) *TITLE 10, UNITED STATES CODE.*—Title 10,
22 United States Code, is amended as follows:

23 (1) Section 127d(d)(1) is amended by striking
24 “Committee on International Relations” and insert-
25 ing “Committee on Foreign Affairs”.

1 (2) *Section 132 is amended—*

2 (A) *by redesignating subsection (d), as*
3 *added by section 2831(a) of the National Defense*
4 *Authorization Act for Fiscal Year 2010 (Public*
5 *Law 111–84; 123 Stat. 2669), as subsection (e);*
6 *and*

7 (B) *in such subsection, by striking “Guam*
8 *Executive Council” and inserting “Guam Over-*
9 *sight Council”.*

10 (3)(A) *Section 382 is amended by striking “sec-*
11 *tion 175 or 2332c” in subsections (a), (b)(2)(C), and*
12 *(d)(2)(A)(ii) and inserting “section 175, 229, or*
13 *2332a”.*

14 (B) *The heading of such section is amended by*
15 *striking “**chemical or biological**”.*

16 (C) *The table of sections at the beginning of*
17 *chapter 18 is amended by striking the item relating*
18 *to section 382 and inserting the following new item:*

“382. Emergency situations involving weapons of mass destruction.”.

19 (4) *Section 1175a(j)(3) is amended by striking*
20 *“title 10” and inserting “this title”.*

21 (5) *Section 1781b(d) is amended by striking*
22 *“March 1, 2008, and each year thereafter” and insert-*
23 *ing “March 1 each year”.*

24 (6) *Section 1781c(h)(1) is amended by striking*
25 *“180 days after the date of the enactment of the Na-*

1 *tional Defense Authorization Act for Fiscal Year*
2 *2010, and annually thereafter” and inserting “April*
3 *30 each year”.*

4 (7) *Section 2130a(b)(1) is amended by striking*
5 *“Training Program” both places it appears and in-*
6 *serting “Training Corps program”.*

7 (8) *Section 2222(a) is amended by striking “Ef-*
8 *fective October 1, 2005, funds” and inserting*
9 *“Funds”.*

10 (9) *The table of sections at the beginning of sub-*
11 *chapter I of chapter 134, as amended by section*
12 *1031(a)(2) of the National Defense Authorization Act*
13 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
14 *2448), is amended by transferring the item relating*
15 *to section 2241a from the end of the table of sections*
16 *to appear after the item relating to section 2241.*

17 (10) *Section 2362(e)(1) is amended by striking*
18 *“IV” and inserting “V”.*

19 (11) *Section 2533a(d) is amended in paragraphs*
20 *(1) and (4) by striking “(b)(1)(A), (b)(2), or (b)(3)”*
21 *and inserting “(b)(1)(A) or (b)(2)”.*

22 (12) *Section 2642(a)(3) is amended by striking*
23 *“During the five-year period beginning on the date of*
24 *the enactment of the National Defense Authorization*
25 *Act for Fiscal Year 2010” and inserting “During the*

1 *period beginning on October 28, 2009, and ending on*
2 *October 28, 2014”.*

3 (13) *Section 2667(e)(1)(A)(ii) is amended by*
4 *striking “sections 2668 and 2669” and inserting “sec-*
5 *tion 2668”.*

6 (14) *Section 2684a(g)(1) is amended by striking*
7 *“March 1, 2007, and annually thereafter” and insert-*
8 *ing “March 1 each year”.*

9 (15) *Section 2687a(a) is amended by striking*
10 *“31for” and inserting “31 for”.*

11 (16) *Section 2922d is amended by striking “1 or*
12 *more” each place it appears and inserting “one or*
13 *more”.*

14 (17) *Section 10216 is amended by striking “sec-*
15 *tion 115(c)” in subsections (b)(1), (c)(1), and*
16 *(c)(2)(A) and inserting “section 115(d)”.*

17 (18) *Section 10217(c)(1) is amended—*

18 (A) *by striking “Effective October 1, 2007,*
19 *the” and inserting “The”; and*

20 (B) *by striking “after the preceding sentence*
21 *takes effect”.*

22 (19) *Section 12203(a) is amended by striking*
23 *“above” in the first sentence and inserting “of”.*

24 (c) *NATIONAL DEFENSE AUTHORIZATION ACT FOR*
25 *FISCAL YEAR 2010.—Effective as of October 28, 2009, and*

1 *as if included therein as enacted, the National Defense Au-*
2 *thorization Act for Fiscal Year 2010 (Public Law 111–84)*
3 *is amended as follows:*

4 (1) *Section 325(d)(4) (123 Stat. 2254) is amend-*
5 *ed by striking “section 236” and inserting “section*
6 *235”.*

7 (2) *Section 581(a)(1)(C) (123 Stat. 2326) is*
8 *amended by striking “subsection (f)” and inserting*
9 *“subsection (g), as redesignated by section 582(b)(1)”.*

10 (3) *Section 584(a) (123 Stat. 2330) is amended*
11 *by striking “such Act” and inserting “the Uniformed*
12 *and Overseas Citizens Absentee Voting Act”.*

13 (4) *Section 585(b)(1) (123 Stat. 2331) is amend-*
14 *ed by striking subparagraphs (A) and (B), and in-*
15 *serting the following new subparagraphs:*

16 *“(A) in paragraph (2), by striking ‘section*
17 *102(4)’ and inserting ‘section 102(a)(4)’; and*

18 *“(B) by striking paragraph (4) and insert-*
19 *ing the following new paragraph:*

20 *“(4) prescribe a suggested design for absentee*
21 *ballot mailing envelopes;’; and*

22 (5) *Section 589 (123 Stat. 2334; 42 U.S.C.*
23 *1973ff–7) is amended—*

24 (A) *in subsection (a)(1)—*

1 (i) by striking “section 107(a)” and
2 inserting “section 107(1)”; and

3 (ii) by striking “1973ff et seq.” and in-
4 serting “1973ff-6(1)”; and

5 (B) in subsection (e)(1), by striking “1977ff
6 note” and inserting “1973ff note”.

7 (6) The undesignated section immediately fol-
8 lowing section 603 (123 Stat. 2350) is designated as
9 section 604.

10 (7) Section 714(c) (123 Stat. 2382; 10 U.S.C.
11 1071 note) is amended—

12 (A) by striking “feasability” both places it
13 appears and inserting “feasibility”; and

14 (B) by striking “specialities” both places it
15 appears and inserting “specialties”.

16 (8) Section 813(a)(3) is amended by inserting
17 “order” after “task” in the matter proposed to be
18 struck.

19 (9) Section 921(b)(2) (123 Stat. 2432) is amend-
20 ed by inserting “subchapter I of” before “chapter 21”.

21 (10) Section 1014(c) (123 Stat. 2442) is amend-
22 ed by striking “in which the support” and inserting
23 “in which support”.

1 (11) Section 1043(d) (123 Stat. 2457; 10 U.S.C.
2 2353 note) is amended by striking “et 13 seq.” and
3 inserting “et seq.”.

4 (12) Section 1055(f) (123 Stat. 2462) is amend-
5 ed by striking “Combating” and inserting “Combat-
6 ting”.

7 (13) Section 1063(d)(2) (123 Stat. 2470) is
8 amended by striking “For purposes of this section,
9 the” and inserting “The”.

10 (14) Section 1080(b) (123 Stat. 2479; 10 U.S.C.
11 801 note) is amended—

12 (A) by striking “title 14” and inserting
13 “title XIV”;

14 (B) by striking “title 10” and inserting
15 “title X”; and

16 (C) by striking “the Military Commissions
17 Act of 2006 (10 U.S.C. 948 et seq.; Public Law
18 109–366)” and inserting “chapter 47A of title
19 10, United States Code”.

20 (15) Section 1111(b) (123 Stat. 2495; 10 U.S.C.
21 1580 note prec.) is amended by striking “the Sec-
22 retary” in the first sentence and inserting “the Sec-
23 retary of Defense”.

24 (16) Section 1113(g)(1) (123 Stat. 2502; 5
25 U.S.C. 9902 note) is amended by inserting “United

1 *States Code,*” after “title 5,” the first place it ap-
2 *pears.*

3 (17) *Section 1121 (123 Stat. 2505) is amend-*
4 *ed—*

5 (A) *in subsection (a)—*

6 (i) *by striking “Section 9902(h)” and*
7 *inserting “Section 9902(g);” and*

8 (ii) *by inserting “as redesignated by*
9 *section 1113(b)(1)(B),” after “Code;” and*

10 (B) *in subsection (b), by striking “section*
11 *9902(h)” and inserting “section 9902(g)”.*

12 (18) *Section 1261 (123 Stat. 2553; 22 U.S.C.*
13 *6201 note) is amended by inserting a space between*
14 *the first short title and “or”.*

15 (19) *Section 1306(b) (123 Stat. 2560) is amend-*
16 *ed by striking “fiscal year” and inserting “Fiscal*
17 *Year”.*

18 (20) *Subsection (b) of section 1803 (123 Stat.*
19 *2612) is amended to read as follows:*

20 “(b) *APPELLATE REVIEW UNDER DETAINEE TREAT-*
21 *MENT ACT OF 2005.—*

22 “(1) *DEPARTMENT OF DEFENSE, EMERGENCY*
23 *SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HUR-*
24 *RICANES IN THE GULF OF MEXICO, AND PANDEMIC IN-*
25 *FLUENZA ACT, 2006.—Section 1005(e) of the Detainee*

1 *Treatment Act of 2005 (title X of Public Law 109–*
2 *148; 10 U.S.C. 801 note) is amended by striking*
3 *paragraph (3).*

4 “(2) *NATIONAL DEFENSE AUTHORIZATION ACT*
5 *FOR FISCAL YEAR 2006.—Section 1405(e) of the De-*
6 *tainee Treatment Act of 2005 (Public Law 109-163;*
7 *10 U.S.C. 801 note) is amended by striking para-*
8 *graph (3).”.*

9 (21) *Section 1916(b)(1)(B) (123 Stat. 2624) is*
10 *amended by striking the comma after “5941”.*

11 (22) *Section 2804(d)(2) (123 Stat. 2662) is*
12 *amended by inserting “subchapter III of” before*
13 *“chapter 169”.*

14 (23) *Section 2835(f)(1) (123 Stat. 2677) is*
15 *amended by striking “publically-available” and in-*
16 *serting “publicly available”.*

17 (24) *Section 3503(b)(1) (123 Stat. 2719) is*
18 *amended by striking the extra quotation marks.*

19 (25) *Section 3508(1) (123 Stat. 2721) is amend-*
20 *ed by striking “headline” and inserting “heading”.*

21 (d) *DUNCAN HUNTER NATIONAL DEFENSE AUTHOR-*
22 *IZATION ACT FOR FISCAL YEAR 2009.—*

23 (1) *Section 596(b)(1)(D) of the Duncan Hunter*
24 *National Defense Authorization Act for Fiscal Year*
25 *2009 (Public Law 110–417; 10 U.S.C. 1071 note), as*

1 *amended by section 594 of the National Defense Au-*
2 *thorization Act for Fiscal Year 2010 (Public Law*
3 *111–84; 123 Stat. 2337), is amended by striking “or*
4 *flag” the second place it appears.*

5 *(2) Section 1111(b) of the Duncan Hunter Na-*
6 *tional Defense Authorization Act for Fiscal Year 2009*
7 *(Public Law 110–417; 10 U.S.C. 143 note), as*
8 *amended by section 1109 of the National Defense Au-*
9 *thorization Act for Fiscal Year 2010 (Public Law*
10 *111–84; 123 Stat. 2492), is amended—*

11 *(A) in the matter preceding paragraph (1),*
12 *by striking “secretary of a military department”*
13 *and inserting “Secretary of a military depart-*
14 *ment”;*

15 *(B) in paragraph (1)—*

16 *(i) by striking “the the requirements”*
17 *and inserting “the requirements”; and*

18 *(ii) by striking “this title” and insert-*
19 *ing “such title”; and*

20 *(C) in paragraph (2), by striking “any any*
21 *of the following” and inserting “any of the fol-*
22 *lowing”.*

23 *(e) WEAPON SYSTEMS ACQUISITION REFORM ACT OF*
24 *2009.—Effective as of May 22, 2009, and as if included*

1 *therein as enacted, the Weapon Systems Acquisition Reform*
2 *Act of 2009 (Public Law 111–23) is amended as follows:*

3 (1) *Section 205(a)(1)(B) (123 Stat. 1724) is*
4 *amended in the matter proposed to be inserted by*
5 *striking “paragraphs (1) and (2)” and inserting*
6 *“paragraphs (1), (2), and (3)”.*

7 (2) *Section 205(c) (124 Stat. 1725) is amended*
8 *by striking “2433a(c)(3)” and inserting*
9 *“2433a(c)(1)(C)”.*

10 (f) *TECHNICAL CORRECTION REGARDING SBIR EX-*
11 *TENSION.—Section 9(m)(2) of the Small Business Act (15*
12 *U.S.C. 638(m)(2)), as added by section 847(a) of the Na-*
13 *tional Defense Authorization Act for Fiscal Year 2010 (Pub-*
14 *lic Law 111–84; 123 Stat. 2420), is amended by striking*
15 *“is authorized” and inserting “are authorized”.*

16 (g) *TECHNICAL CORRECTION REGARDING PERFORM-*
17 *ANCE MANAGEMENT AND WORKFORCE INCENTIVES.—Sec-*
18 *tion 9902(a)(2) of title 5, United States Code, as added by*
19 *section 1113(d) of the National Defense Authorization Act*
20 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2499),*
21 *is amended by striking “chapters” both places it appears*
22 *and inserting “chapter”.*

23 (h) *TECHNICAL CORRECTION REGARDING SMALL*
24 *SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE*
25 *PROGRAM.—Section 3506 of the National Defense Author-*

1 *ization Act for Fiscal Year 2006, as reinstated by the*
2 *amendment made by section 1073(c)(14) of the National*
3 *Defense Authorization Act for Fiscal Year 2010 (Public*
4 *Law 111–84; 123 Stat. 2475), is repealed.*

5 (i) *TECHNICAL CORRECTION REGARDING DOT MARI-*
6 *TIME HERITAGE PROPERTY.*—Section 6(a)(1)(C) of the Na-
7 *tional Maritime Heritage Act of 1994 (16 U.S.C.*
8 *5405(a)(1)(C)), as amended by section 3509 of the National*
9 *Defense Authorization Act for Fiscal Year 2010 (Public*
10 *Law 111–84; 123 Stat. 2721), is amended by striking “the*
11 *date of enactment of the Maritime Administration Author-*
12 *ization Act of 2010” and inserting “October 28, 2009”.*

13 (j) *TECHNICAL CORRECTION REGARDING DOE NA-*
14 *TIONAL SECURITY PROGRAMS.*—The table of contents at the
15 *beginning of the National Nuclear Security Administration*
16 *Act (title XXXII of Public Law 106–65; 50 U.S.C. 2401*
17 *et seq.) is amended by striking the item relating to section*
18 *3255 and inserting the following new item:*

“Sec. 3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.”.

19 **SEC. 1056. LIMITATION ON AIR FORCE FISCAL YEAR 2011**
20 **FORCE STRUCTURE ANNOUNCEMENT IMPLE-**
21 **MENTATION.**

22 *None of the amounts authorized to be appropriated by*
23 *this Act or otherwise made available for fiscal year 2011*
24 *may be obligated or expended for the purpose of imple-*

1 *menting the Air Force fiscal year 2011 Force Structure An-*
2 *nouncement until 45 days after—*

3 *(1) the Secretary of the Air Force provides a de-*
4 *tailed report to the Committee on Armed Services of*
5 *the Senate and the Committee on Armed Services of*
6 *the House of Representatives on the follow-on mis-*
7 *sions for bases affected by the 2010 Combat Air*
8 *Forces restructure; and*

9 *(2) the Secretary of the Air Force certifies to the*
10 *Committee on Armed Services of the Senate and the*
11 *Committee on Armed Services of the House of Rep-*
12 *resentatives that the Air Sovereignty Alert Mission*
13 *will be fully resourced with required funding, per-*
14 *sonnel, and aircraft.*

15 **SEC. 1057. BUDGETING FOR THE SUSTAINMENT AND MOD-**
16 **ERNIZATION OF NUCLEAR DELIVERY SYS-**
17 **TEMS.**

18 *Consistent with the plan contained in the report sub-*
19 *mitted to Congress under section 1251 of the National De-*
20 *fense Authorization Act for Fiscal Year 2010 (Public Law*
21 *111–84; 123 Stat. 2549), in the budget materials submitted*
22 *to the President by the Secretary of Defense in connection*
23 *with the submission to Congress, pursuant to section 1105*
24 *of title 31, United States Code, of the budget for fiscal year*
25 *2012, and each subsequent fiscal year, the Secretary shall*

1 *ensure that a separate budget (including separate, dedicated*
2 *line items and program elements) is included with respect*
3 *to programs and platforms regarding the sustainment and*
4 *modernization of nuclear delivery systems.*

5 **SEC. 1058. LIMITATION ON NUCLEAR FORCE REDUCTIONS.**

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

7 (1) *As of September 30, 2009, the stockpile of nu-*
8 *clear weapons of the United States has been reduced*
9 *by 84 percent from its maximum level in 1967 and*
10 *by more than 75 percent from its level when the Ber-*
11 *lin Wall fell in November, 1989.*

12 (2) *The number of non-strategic nuclear weapons*
13 *of the United States has declined by approximately*
14 *90 percent from September 30, 1991, to September 30,*
15 *2009.*

16 (3) *In 2002, the United States announced plans*
17 *to reduce its number of operationally deployed stra-*
18 *tegic nuclear warheads to between 1,700 and 2,200 by*
19 *December 31, 2012.*

20 (4) *The United States plans to further reduce its*
21 *stockpile of deployed strategic nuclear warheads to*
22 *1,550 during the next seven years.*

23 (5) *The United States plans to further reduce its*
24 *deployed ballistic missiles and heavy bombers to 700*

1 *and its deployed and non-deployed launchers and*
2 *heavy bombers to 800 during the next seven years.*

3 (6) *Beyond these plans for reductions, the Nu-*
4 *clear Posture Review of April 2010 stated that, “the*
5 *President has directed a review of potential future re-*
6 *ductions in U.S. nuclear weapons below New START*
7 *levels. Several factors will influence the magnitude*
8 *and pace of such reductions.”.*

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

11 (1) *any reductions in the nuclear forces of the*
12 *United States should be supported by a thorough as-*
13 *essment of the strategic environment, threat, and pol-*
14 *icy and the technical and operational implications of*
15 *such reductions; and*

16 (2) *specific criteria are necessary to guide future*
17 *decisions regarding further reductions in the nuclear*
18 *forces of the United States.*

19 (c) *LIMITATION.—No action may be taken to imple-*
20 *ment the reduction of nuclear forces of the United States*
21 *below the levels described in paragraphs (4) and (5) of sub-*
22 *section (a), unless—*

23 (1) *the Secretary of Defense and the Adminis-*
24 *trator for Nuclear Security jointly submit to the con-*

1 *gressional defense committees a report on such reduc-*
2 *tion, including—*

3 *(A) the justification for such reduction;*

4 *(B) an assessment of the strategic environ-*
5 *ment, threat, and policy and the technical and*
6 *operational implications of such reduction;*

7 *(C) written certification by the Secretary of*
8 *Defense that—*

9 *(i) either—*

10 *(I) the strategic environment or*
11 *the assessment of the threat has*
12 *changed to allow for such reduction; or*

13 *(II) technical measures to provide*
14 *a commensurate or better level of safe-*
15 *ty, security, and reliability as before*
16 *such reduction have been implemented*
17 *for the remaining nuclear forces of the*
18 *United States;*

19 *(ii) such reduction preserves the nu-*
20 *clear deterrent capabilities of the “nuclear*
21 *triad” (intercontinental ballistic missiles,*
22 *ballistic missile submarines, and heavy*
23 *bombers and dual-capable aircraft);*

24 *(iii) such reduction does not require a*
25 *change in targeting strategy from*

1 *counterforce targeting to countervalue tar-*
2 *geting;*

3 *(iv) the remaining nuclear forces of the*
4 *United States provide a sufficient means of*
5 *protection against unforeseen technical chal-*
6 *lenges and geopolitical events; and*

7 *(v) such reduction is compensated by*
8 *other measures (such as nuclear moderniza-*
9 *tion, conventional forces, and missile de-*
10 *fense) that together provide a commensurate*
11 *or better deterrence capability and level of*
12 *credibility as before such reduction; and*

13 *(D) written certification by the Adminis-*
14 *trator for Nuclear Security that—*

15 *(i) technical measures to provide a*
16 *commensurate or better level of safety, secu-*
17 *rity, and reliability as before such reduction*
18 *have been implemented for the remaining*
19 *nuclear forces of the United States;*

20 *(ii) the remaining nuclear forces of the*
21 *United States provide a sufficient means of*
22 *protection against unforeseen technical chal-*
23 *lenges and geopolitical events; and*

24 *(iii) measures to modernize the nuclear*
25 *weapons complex have been implemented to*

1 *provide a sufficiently responsive infrastruc-*
2 *ture to support the remaining nuclear forces*
3 *of the United States; and*

4 (2) *a period of 180 days has elapsed after the*
5 *date on which the report under paragraph (1) is sub-*
6 *mitted.*

7 (d) *DEFINITION.—In this section, the term “nuclear*
8 *forces of the United States” includes—*

9 (1) *both active and inactive nuclear warheads in*
10 *the nuclear weapons stockpile; and*

11 (2) *deployed and non-deployed delivery vehicles.*

12 **SEC. 1059. SENSE OF CONGRESS ON THE NUCLEAR POS-**
13 **TURE REVIEW.**

14 *It is the sense of Congress that the Nuclear Posture*
15 *Review, released in April 2010 by the Secretary of Defense,*
16 *weakens the national security of the United States by elimi-*
17 *nating options to defend against a catastrophic nuclear, bi-*
18 *ological, chemical, or conventional attack against the*
19 *United States.*

20 **SEC. 1060. STRATEGIC ASSESSMENT OF STRATEGIC CHAL-**
21 **LENGES POSED BY POTENTIAL COMPETI-**
22 **TORS.**

23 *The Secretary of Defense shall, in consultation with*
24 *the Joint Chiefs of Staff and the commanders of the regional*
25 *combatant commands, submit to the congressional defense*

1 *committees, not later than March 15, 2011, a comprehensive*
2 *strategic assessment of the current and future strategic chal-*
3 *lenges posed to the United States by potential competitors*
4 *out through 2021, with particular attention paid to those*
5 *challenges posed by the military modernization of the Peo-*
6 *ple's Republic of China, Iran, North Korea, and Russia.*

7 **SEC. 1061. 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 juris-*
13 *isdiction of such committee under the Rules of the House of*
14 *Representatives or the Standing Rules of the Senate. Such*
15 *electronic communications link shall be capable of sup-*
16 *porting appropriate classified communications between the*
17 *Department of Defense and each committee of Congress au-*
18 *thorized to carry out such communications.*

19 **SEC. 1062. JUSTICE FOR VICTIMS OF TORTURE AND TER-**
20 **RORISM.**

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

22 *(1) The National Defense Authorization Act for*
23 *Fiscal Year 2008 (Public Law 110–181) expressed the*
24 *sense of Congress (in section 1083(d)(4)) that the Sec-*
25 *retary of State “should work with the Government of*

1 *Iraq on a state-to-state basis to ensure compensation*
2 *for any meritorious claims based on terrorist acts*
3 *committed by the Saddam Hussein regime against in-*
4 *dividuals who were United States nationals or mem-*
5 *bers of the United States Armed Forces at the time*
6 *of those terrorist acts and whose claims cannot be ad-*
7 *dressed in courts in the United States due to the exer-*
8 *cise of the waiver authority” provided to the Presi-*
9 *dent under section 1083(d) of that Act.*

10 *(2) The House of Representatives in the 110th*
11 *Congress unanimously adopted H.R. 5167, the Justice*
12 *for Victims of Torture and Terrorism Act, which set*
13 *forth an appropriate compromise of the claims de-*
14 *scribed in paragraph (1).*

15 *(3) The National Defense Authorization Act for*
16 *Fiscal Year 2010 (in section 1079) further expressed*
17 *the sense of Congress that these claims of American*
18 *victims of torture and hostage taking by Iraq “should*
19 *be resolved by a prompt and fair settlement nego-*
20 *tiated between the Government of Iraq and the Gov-*
21 *ernment of the United States, taking note of the pro-*
22 *visions of H.R. 5167 of the 110th Congress, which was*
23 *adopted by the United States House of Representa-*
24 *tives”.*

1 (1) *IN GENERAL.*—Chapter 2 of Title 10, United
2 States Code, is amended by inserting after section
3 113a the following new section:

4 **“§ 113b. Use of Department of Defense resources**

5 “(a) *POLICY.*—The Secretary of Defense shall ensure
6 that all resources of the Department of Defense are used
7 only for activities that—

8 “(1) fulfill a legitimate Government purpose;

9 “(2) comply with all applicable laws, regula-
10 tions, and policies of the Department of Defense; and

11 “(3) contribute to the mission of the Department
12 of Defense.

13 “(b) *GUIDANCE.*—The Secretary shall prescribe such
14 guidance as is necessary to ensure compliance with the pol-
15 icy required under subsection (a) and to address any viola-
16 tions of the policy, including, as appropriate, any applica-
17 ble legal remedies.”.

18 (2) *CLERICAL AMENDMENT.*—The table of sec-
19 tions at the beginning of such chapter is amended by
20 inserting after the item relating to section 113a the
21 following new item:

 “113b. Use of Department of Defense resources.”.

22 (b) *PROHIBITION ON USE OF FUNDS.*—None of the
23 funds authorized to be appropriated in this Act or otherwise
24 available to the Department of Defense may be used—

1 (1) *for any activity that does not comply with*
2 *the policy established under section 113b of title 10,*
3 *United States Code, as added by subsection (a), in-*
4 *cluding any improper activity involving—*

5 (A) *transportation or travel (including use*
6 *of Government vehicles); or*

7 (B) *Department of Defense information*
8 *technology resources; or*

9 (2) *to pay the salary of any employee who en-*
10 *gages in an intentional violation of the policy estab-*
11 *lished under such section.*

12 **SEC. 1064. EXECUTIVE AGENT FOR PREVENTING THE IN-**
13 **TRODUCTION OF COUNTERFEIT MICROELEC-**
14 **TRONICS INTO THE DEFENSE SUPPLY CHAIN.**

15 (a) *EXECUTIVE AGENT.—Not later than 90 days after*
16 *the date of the enactment of this Act, the Secretary of De-*
17 *fense shall designate a senior official of the Department of*
18 *Defense to serve as the executive agent for preventing the*
19 *introduction of counterfeit microelectronics into the defense*
20 *supply chain.*

21 (b) *ROLES, RESPONSIBILITIES, AND AUTHORITIES.—*

22 (1) *ESTABLISHMENT.—Not later than 180 days*
23 *after the date of the enactment of this Act, the Sec-*
24 *retary of Defense shall prescribe the roles, responsibil-*

1 *ities, and authorities of the executive agent designated*
2 *under subsection (a).*

3 (2) *SPECIFICATION.—The roles and responsibil-*
4 *ities of the executive agent designated under sub-*
5 *section (a) shall include the following:*

6 (A) *Development and maintenance of a*
7 *strategy and implementation plan that ensures*
8 *that the Department of Defense has the ability to*
9 *identify, mitigate, prevent, and eliminate coun-*
10 *terfeit microelectronics from the defense supply*
11 *chain.*

12 (B) *Development of recommendations for*
13 *funding strategies necessary to meet the require-*
14 *ments of the strategy and implementation plan*
15 *developed under subparagraph (A).*

16 (C) *Assessments of trends in counterfeit*
17 *microelectronics, including—*

18 (i) *an analysis of recent incidents of*
19 *discovery of counterfeit microelectronics in*
20 *the defense supply chain, including inci-*
21 *idents involving material and service pro-*
22 *viders;*

23 (ii) *a projection of future trends in*
24 *counterfeit microelectronics;*

1 (iii) the sufficiency of reporting mecha-
2 nisms and metrics within the Department
3 of Defense and each component of the De-
4 partment of Defense;

5 (iv) the economic impact of identifying
6 and remediating counterfeit microelec-
7 tronics in the defense supply chain; and

8 (v) the impact of counterfeit microelec-
9 tronics in the defense supply chain on de-
10 fense readiness.

11 (D) Coordination of planning and activities
12 with interagency and international partners.

13 (E) Development and participation in pub-
14 lic-private partnerships to prevent the introduc-
15 tion of counterfeit microelectronics into the sup-
16 ply chain.

17 (F) Such other roles and responsibilities as
18 the Secretary of Defense considers appropriate.

19 (c) *SUPPORT WITHIN DEPARTMENT OF DEFENSE.*—
20 The Secretary of Defense shall ensure that each component
21 of the Department of Defense provides the executive agent
22 designated under subsection (a) with the appropriate sup-
23 port and resources needed to perform the roles, responsibil-
24 ities, and authorities of the executive agent.

1 (d) *REQUIRED ACTIONS.*—*The Secretary of Defense*
2 *shall submit to the congressional defense committees—*

3 (1) *not later than 180 days after the date of the*
4 *enactment of this Act, a description of the roles, re-*
5 *sponsibilities, and authorities of the executive agent*
6 *prescribed in accordance with subsection (b)(1);*

7 (2) *not later than one year after the date of the*
8 *enactment of this Act, a strategy for how the Depart-*
9 *ment of Defense will identify, mitigate, prevent, and*
10 *eliminate counterfeit microelectronics within the de-*
11 *fense supply chain; and*

12 (3) *not later than 18 months after the date of the*
13 *enactment of this Act, an implementation plan for*
14 *how the Department of Defense will execute the strat-*
15 *egy submitted in accordance with paragraph (2).*

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

17 (1) *COUNTERFEIT MICROELECTRONIC.*—*The term*
18 *“counterfeit microelectronic” means any type of inte-*
19 *grated circuit or other microelectronic component that*
20 *consists of—*

21 (A) *a substitute or unauthorized copy of a*
22 *valid product from an original manufacturer;*

23 (B) *a product in which the materials used*
24 *or the performance of the product has been*

1 *changed without notice by a person other than*
2 *the original manufacturer of the product; or*

3 (C) *a substandard component misrepre-*
4 *sented by the supplier of such component.*

5 (2) *EXECUTIVE AGENT.—The term “executive*
6 *agent” has the meaning given the term “DoD Execu-*
7 *tive Agent” in Department of Defense Directive*
8 *5101.1, or any successor directive relating to the re-*
9 *responsibilities of an executive agent of the Department*
10 *of Defense.*

11 **TITLE XI—CIVILIAN PERSONNEL** 12 **MATTERS**

13 **SEC. 1101. AUTHORITY FOR THE DEPARTMENT OF DEFENSE** 14 **TO APPROVE AN ALTERNATE METHOD OF** 15 **PROCESSING EQUAL EMPLOYMENT OPPOR-** 16 **TUNITY COMPLAINTS WITHIN ONE OR MORE** 17 **COMPONENT ORGANIZATIONS UNDER SPECI-** 18 **FIED CIRCUMSTANCES.**

19 (a) *AUTHORITY.—The Secretary of Defense may im-*
20 *plement within one or more of the component organizations*
21 *of the Department of Defense an alternate program for proc-*
22 *essing equal employment opportunity complaints.*

23 (1) *Complaints processed under the alternate*
24 *program shall be subject to the procedural require-*
25 *ments established for the alternate program and shall*

1 *not be subject to the procedural requirements of part*
2 *1614 of title 29 of the Code of Federal Regulations or*
3 *other regulations, directives, or regulatory restrictions*
4 *prescribed by the Equal Employment Opportunity*
5 *Commission.*

6 *(2) The alternate program shall include proce-*
7 *dures to reduce processing time and eliminate redun-*
8 *dancy with respect to processes for the resolution of*
9 *equal employment opportunity complaints, reinforce*
10 *local management and chain-of-command account-*
11 *ability, and provide the parties involved with early*
12 *opportunity for resolution.*

13 *(3) The Secretary may carry out the alternate*
14 *program during a 5-year period beginning on the*
15 *date of the enactment of this Act. Not later than 180*
16 *days before the expiration of such period, the Sec-*
17 *retary shall submit to the Committees on Armed Serv-*
18 *ices of the House of Representatives and the Senate,*
19 *a recommendation regarding whether the program*
20 *should be extended for an additional period.*

21 *(4)(A) Participation in the alternate program*
22 *shall be voluntary on the part of the complainant.*
23 *Complainants who participate in the alternate pro-*
24 *gram shall retain the right to appeal a final agency*
25 *decision to the Equal Employment Opportunity Com-*

1 *mission and to file suit in district court. The Equal*
2 *Employment Opportunity Commission shall not re-*
3 *verse a final agency decision on the grounds that the*
4 *agency did not comply with the regulatory require-*
5 *ments promulgated by the Commission.*

6 *(B) Subparagraph (A) shall apply to all cases*
7 *filed with the Commission after the date of the enact-*
8 *ment of this Act and under the alternate program es-*
9 *tablished under this subsection.*

10 *(C) The Secretary shall consult with the Equal*
11 *Employment Commission in the development of the*
12 *alternate program.*

13 *(b) EVALUATION PLAN.—The Secretary of Defense*
14 *shall develop an evaluation plan to accurately and reliably*
15 *assess the results of each alternate program implemented*
16 *under subsection (a), identifying the key features of the pro-*
17 *gram, including—*

18 *(1) well-defined, clear, and measurable objectives;*

19 *(2) measures that are directly linked to the pro-*
20 *gram objectives;*

21 *(3) criteria for determining the program per-*
22 *formance;*

23 *(4) a way to isolate the effects of the alternate*
24 *program;*

1 (5) *a data analysis plan for the evaluation de-*
2 *sign; and*

3 (6) *a detailed plan to ensure that data collection,*
4 *entry, and storage are reliable and error-free.*

5 (c) *REPORTS.—The Comptroller General shall submit*
6 *to the Speaker of the House of Representatives and the*
7 *President pro tempore of the Senate, two reports on the al-*
8 *ternate program.*

9 (1) *CONTENTS OF REPORTS.—Each report shall*
10 *contain the following:*

11 (A) *A description of the processes tested by*
12 *the alternate program.*

13 (B) *The results of the testing of such proc-*
14 *esses.*

15 (C) *Recommendations for changes to the*
16 *processes for the resolution of equal employment*
17 *opportunity complaints as a result of the alter-*
18 *nate program.*

19 (D) *A comparison of the processes used, and*
20 *results obtained, under the alternate program to*
21 *traditional and alternative dispute resolution*
22 *processes used in the Government or private in-*
23 *dustry.*

24 (2) *DATES OF SUBMISSION.—The first of such re-*
25 *ports shall be submitted at the end of the 2-year pe-*

1 (1) *in subsection (a), by striking “that are ex-*
2 *empted by” and all that follows and inserting “des-*
3 *ignated by section 1105(a) of the National Defense*
4 *Authorization Act for Fiscal Year 2010 (Public Law*
5 *111–84; 123 Stat. 2486) as Department of Defense*
6 *science and technology reinvention laboratories.”; and*

7 (2) *in subsection (c), by striking “as enumerated*
8 *in” and all that follows and inserting “designated by*
9 *section 1105(a) of the National Defense Authorization*
10 *Act for Fiscal Year 2010 (Public Law 111–84; 123*
11 *Stat 2486) as a Department of Defense science and*
12 *technology reinvention laboratory.”.*

13 (c) *EFFECTIVE DATE.*—*The amendments made by sub-*
14 *sections (a) and (b) shall take effect as of October 28, 2009.*

15 **SEC. 1103. SPECIAL RULE RELATING TO CERTAIN OVER-**
16 **TIME PAY.**

17 (a) *IN GENERAL.*—*Section 5542(a) of title 5, United*
18 *States Code, is amended by adding at the end the following:*

19 “(6)(A) *Notwithstanding paragraphs (1) and (2), for*
20 *an employee who is described in subparagraph (B), and*
21 *whose rate of basic pay exceeds the minimum rate for GS–*
22 *10, the overtime hourly rate of pay is an amount equal*
23 *to one and one-half times the hourly rate of basic pay of*
24 *the employee, and all that amount is premium pay.*

1 “(B) *This paragraph applies in the case of an em-*
2 *ployee of the Department of the Navy—*

3 “(i) *who is performing work aboard or in sup-*
4 *port of the U.S.S. GEORGE WASHINGTON while*
5 *that vessel is forward deployed in Japan; and*

6 “(ii) *as to whom the application of this para-*
7 *graph is necessary (as determined under regulations*
8 *prescribed by the Secretary of the Navy)—*

9 “(I) *in order to ensure equal treatment with*
10 *employees performing similar work in the*
11 *United States;*

12 “(II) *in order to secure the services of quali-*
13 *fied employees; or*

14 “(III) *for such other reasons as may be set*
15 *forth in such regulations.”.*

16 (b) *REPORTING REQUIREMENT.—Within 1 year after*
17 *date of enactment of this Act, the Secretary of the Navy*
18 *shall submit to the Secretary of Defense and the Director*
19 *of the Office of Personnel Management a report that ad-*
20 *dresses the use of paragraph (6) of section 5542(a) of title*
21 *5, United States Code, as added by subsection (a), including*
22 *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 Dun-*
7 *can Hunter National Defense Authorization Act for Fiscal*
8 *Year 2009 (Public Law 110–417; 122 Stat. 4615), as*
9 *amended by section 1106(a) of the National Defense Author-*
10 *ization Act for Fiscal Year 2010 (Public Law 111-84; 123*
11 *Stat. 2487), is amended by striking “calendar years 2009*
12 *and 2010” and inserting “calendar years 2011 and 2012”.*

13 **SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.**

14 *Section 9903(d) of title 5, United States Code, is*
15 *amended—*

16 *(1) by amending paragraph (2) to read as fol-*
17 *lows:*

18 *“(2) An employee appointed under this section is not*
19 *eligible for any bonus, monetary award, or other monetary*
20 *incentive for service, except for—*

21 *“(A) payments authorized under this section;*
22 *and*

23 *“(B) in the case of an employee who is assigned*
24 *in support of a contingency operation (as defined in*
25 *section 101(a)(13) of title 10), allowances and any*
26 *other payments authorized under chapter 59.”; and*

1 *result of capture, detention, or other restraint by a hostile*
2 *force or individual.*

3 “(c) *GUIDELINES.—The Office of Personnel Manage-*
4 *ment shall, after such consultation as the Office considers*
5 *appropriate, prescribe guidelines for the operation of this*
6 *section. Under the guidelines, the responsibilities of a post-*
7 *combat case coordinator shall include—*

8 “(1) *acting as the main point of contact for*
9 *qualified employees seeking administrative guidance*
10 *or assistance relating to benefits under chapter 81 or*
11 *89;*

12 “(2) *assisting qualified employees in the collec-*
13 *tion of documentation or other supporting evidence*
14 *for the expeditious processing of claims under chapter*
15 *81 or 89;*

16 “(3) *assisting qualified employees in connection*
17 *with the receipt of prescribed medical care and the co-*
18 *ordination of benefits under chapter 81 or 89;*

19 “(4) *resolving problems relating to the receipt of*
20 *benefits under chapter 81 or 89; and*

21 “(5) *ensuring that qualified employees are prop-*
22 *erly screened and receive appropriate treatment—*

23 “(A) *for post-traumatic stress disorder or*
24 *other similar disorder stemming from combat*
25 *trauma; or*

1 “(B) for suicidal or homicidal thoughts or
2 behaviors.

3 “(d) DURATION.—The services of a post-combat case
4 coordinator shall remain available to a qualified employee
5 until—

6 “(1) such employee accepts or declines a reason-
7 able offer of employment in a position in the employ-
8 ee’s agency for which the employee is qualified, which
9 is not lower than 2 grades (or pay levels) below the
10 employee’s grade (or pay level) before the occurrence
11 or onset of the injury, disability, or illness (as re-
12 ferred to in subsection (a)), and which is within the
13 employee’s commuting area; or

14 “(2) such employee gives written notice, in such
15 manner as the employing agency prescribes, that those
16 services are no longer desired or necessary.”.

17 (b) CLERICAL AMENDMENT.—The table of sections for
18 chapter 79 of title 5, United States Code, is amended by
19 adding after the item relating to section 7905 the following:

“7906. Services of post-combat case coordinators.”.

20 **SEC. 1107. AUTHORITY TO WAIVE MAXIMUM AGE LIMIT FOR**
21 **CERTAIN APPOINTMENTS.**

22 Section 3307(e) of title 5, United States Code, is
23 amended—

24 (1) by striking “(e) The” and inserting “(e)(1)
25 Except as provided in paragraph (2), the”; and

1 (2) *by adding at the end the following:*

2 “(2)(A) *In the case of the conversion of an agency func-*
3 *tion from performance by a contractor to performance by*
4 *an employee of the agency, the head of the agency may*
5 *wave any maximum limit of age, determined or fixed for*
6 *positions within such agency under paragraph (1), if nec-*
7 *essary in order to promote the recruitment or appointment*
8 *of experienced personnel.*

9 “(B) *For purposes of this paragraph—*

10 *“(i) the term ‘agency’ means the Department of*
11 *Defense or a military department; and*

12 *“(ii) the term ‘head of the agency’ means the*
13 *Secretary of Defense or the Secretary of a military*
14 *department.”.*

15 **SEC. 1108. SENSE OF CONGRESS REGARDING WAIVER OF**
16 **RECOVERY OF CERTAIN PAYMENTS MADE**
17 **UNDER CIVILIAN EMPLOYEES VOLUNTARY**
18 **SEPARATION INCENTIVE PROGRAM.**

19 (a) *CONGRESSIONAL FINDING.—Congress finds that*
20 *employees and former employees of the Department of De-*
21 *fense described in subsection (c) provided a valuable service*
22 *to such Department in response to the national emergency*
23 *declared in the aftermath of the attacks of September 11,*
24 *2001.*

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

3 (1) *employees and former employees of the De-*
4 *partment of Defense described in subsection (c) de-*
5 *serve to retain or to be repaid their voluntary separa-*
6 *tion incentive payment pursuant to section 9902 of*
7 *title 5, United States Code;*

8 (2) *recovery of the amount of the payment re-*
9 *ferred to in section 9902 of title 5, United States*
10 *Code, would be against equity and good conscience*
11 *and contrary to the best interests of the United States;*

12 (3) *the Secretary of Defense should waive the re-*
13 *quirement under subsection (f)(6)(B) of section 9902*
14 *of title 5, United States Code, for repayment to the*
15 *Department of Defense of a voluntary separation in-*
16 *centive payment made under subsection (f)(1) of such*
17 *section 9902 in the case of an employee or former em-*
18 *ployee of the Department of Defense described in sub-*
19 *section (c); and*

20 (4) *a person who has repaid to the United States*
21 *all or part of the voluntary separation incentive pay-*
22 *ment for which repayment is waived under this sec-*
23 *tion may receive a refund of the amount previously*
24 *repaid to the United States.*

1 (c) *PERSONS COVERED.*—Subsection (a) applies to
2 any employee or former employee of the Department of De-
3 fense who—

4 (1) during the period beginning on April 1,
5 2004, and ending on May 1, 2008, received a vol-
6 untary separation incentive payment under section
7 9902(f)(1) of title 5, United States Code;

8 (2) was reappointed to a position in the Depart-
9 ment of Defense during the period beginning on June
10 1, 2004, and ending on May 1, 2008; and

11 (3) received a written representation from an of-
12 ficer or employee of the Department of Defense, before
13 accepting the reappointment referred to in paragraph
14 (2), that recovery of the amount of the payment re-
15 ferred to in paragraph (1) would not be required or
16 would be waived, and reasonably relied on that rep-
17 resentation in accepting reappointment.

18 **SEC. 1109. SUSPENSION OF DCIPS PAY AUTHORITY EX-**
19 **TENDED FOR A YEAR.**

20 Section 1114(a) of the National Defense Authorization
21 Act for Fiscal Year 2010 (10 U.S.C. 1601 note) is amended
22 by striking “December 31, 2010” and inserting “December
23 31, 2011”.

1 **TITLE XII—MATTERS RELATING**
2 **TO FOREIGN NATIONS**
3 **Subtitle A—Assistance and**
4 **Training**

5 **SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF**
6 **SPECIAL OPERATIONS TO COMBAT TER-**
7 **RORISM.**

8 (a) *IN GENERAL.*—Section 1208(a) of the Ronald W.
9 *Reagan National Defense Authorization Act for Fiscal Year*
10 2005 (*Public Law 108–375; 118 Stat. 2086*), as most re-
11 *cently amended by section 1202(a) of the National Defense*
12 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
13 84; *123 Stat. 2511*), is further amended by striking
14 “\$40,000,000” and inserting “\$50,000,000”.

15 (b) *EFFECTIVE DATE.*—The amendment made by sub-
16 section (a) shall take effect on October 1, 2010.

17 **SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES**
18 **TO ENHANCED LOGISTICS INTEROPER-**
19 **ABILITY AUTHORITY.**

20 (a) *ENHANCED INTEROPERABILITY AUTHORITY.*—
21 Subsection (a) of section 127d of title 10, United States
22 Code, is amended—

23 (1) by inserting “(1)” before “Subject to”;

24 (2) by inserting “of the United States” after
25 “armed forces”;

1 (3) *by striking the second sentence; and*

2 (4) *by adding at the end the following new para-*
3 *graphs:*

4 “(2) *In addition to any logistic support, supplies, and*
5 *services provided under paragraph (1), the Secretary may*
6 *provide logistic support, supplies, and services to allied*
7 *forces solely for the purpose of enhancing the interoper-*
8 *ability of the logistical support systems of military forces*
9 *participating in combined operations with the United*
10 *States in order to facilitate such operations. Such logistic*
11 *support, supplies, and services may also be provided under*
12 *this paragraph to a nonmilitary logistics, security, or simi-*
13 *lar agency of an allied government if such provision would*
14 *directly benefit the armed forces of the United States.*

15 “(3) *Provision of support, supplies, and services pur-*
16 *suant to paragraph (1) or (2) may be made only with the*
17 *concurrence of the Secretary of State.*”

18 (b) *CONFORMING AMENDMENTS.—Such section is fur-*
19 *ther amended—*

20 (1) *in subsection (b), by striking “subsection (a)”*
21 *in paragraphs (1) and (2) and inserting “subsection*
22 *(a)(1)”;* and

23 (2) *in subsection (c)—*

24 (A) *in paragraph (1)—*

1 (i) by striking “*Except as provided in*
2 *paragraph (2), the*” and inserting “*The*”;
3 and

4 (ii) by striking “*this section*” and in-
5 serting “*subsection (a)(1)*”; and

6 (B) in paragraph (2), by striking “*In addi-*
7 *tion*” and all that follows through “*fiscal year,*”
8 and inserting “*The value of the logistic support,*
9 *supplies, and services provided under subsection*
10 *(a)(2) in any fiscal year may not*”.

11 **SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORI-**
12 **TIES RELATING TO PROGRAM TO BUILD THE**
13 **CAPACITY OF FOREIGN MILITARY FORCES.**

14 (a) *ANNUAL FUNDING LIMITATION.*—Subsection (c)(1)
15 *of section 1206 of the National Defense Authorization Act*
16 *for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
17 *3456), as amended by section 1206(b) of the Duncan Hun-*
18 *ter National Defense Authorization Act for Fiscal Year 2009*
19 *(Public Law 110–417; 122 Stat. 4625), is further amended*
20 *by striking “\$350,000,000” and inserting “\$500,000,000”.*

21 (b) *TEMPORARY LIMITATION ON AMOUNT FOR BUILD-*
22 *ING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY*
23 *AND STABILITY OPERATIONS.*—

24 (1) *IN GENERAL.*—Subsection (c)(5) of such sec-
25 tion is amended—

1 (A) by striking “and not more than” and
2 inserting “not more than”; and

3 (B) by inserting after “fiscal year 2011” the
4 following: “, and not more than \$100,000,000
5 may be used during fiscal year 2012”.

6 (2) *EFFECTIVE DATE.*—The amendments made
7 by paragraph (1) shall take effect on October 1, 2010,
8 and shall apply with respect to programs under sub-
9 section (a) of such section that begin on or after that
10 date.

11 (c) *TEMPORARY AUTHORITY TO BUILD THE CAPACITY*
12 *OF YEMEN’S COUNTER-TERRORISM FORCES.*—Such section
13 *is further amended—*

14 (1) by redesignating subsection (g) as subsection
15 (h); and

16 (2) by inserting after subsection (f) the following:

17 “(g) *TEMPORARY AUTHORITY TO BUILD THE CAPAC-*
18 *ITY OF YEMEN’S COUNTER-TERRORISM FORCES.*—

19 “(1) *AUTHORITY OF SECRETARY OF STATE.*—

20 “(A) *IN GENERAL.*—Of the funds made
21 available under subsection (c) for the authority
22 of subsection (a) for fiscal year 2011, the Sec-
23 retary of Defense shall transfer to the Secretary
24 of State \$75,000,000 of such funds for purposes
25 of providing assistance under section 23 of the

1 *Arms Export Control Act (22 U.S.C. 2763) to*
2 *build the capacity of the counter-terrorism forces*
3 *of the Yemeni Ministry of Interior.*

4 “(B) *CERTIFICATION.—The Secretary of De-*
5 *fense may transfer funds pursuant to subpara-*
6 *graph (A) only if, not later than July 31, 2011,*
7 *the Secretary of State certifies to the Secretary*
8 *of Defense and the congressional committees spec-*
9 *ified in subsection (e)(3) that the Secretary of*
10 *State is able to effectively carry out the purpose*
11 *of subparagraph (A).*

12 “(C) *AVAILABILITY OF FUNDS.—Amounts*
13 *available under this paragraph for the authority*
14 *of subparagraph (A) for fiscal year 2011 may be*
15 *used to conduct or support a program or pro-*
16 *grams under that authority that begin in fiscal*
17 *year 2011 but end in fiscal year 2012.*

18 “(2) *AUTHORITY OF SECRETARY OF DEFENSE.—*
19 *If a certification described in paragraph (1)(B) is not*
20 *made by July 31, 2011, the Secretary of Defense may,*
21 *with the concurrence of the Secretary of State, use up*
22 *to \$75,000,000 of the funds made available under sub-*
23 *section (c) for the authority of subsection (a) for fiscal*
24 *year 2011 to conduct or support a program or pro-*
25 *grams under the authority of subsection (a) to build*

1 *the capacity of the counter-terrorism forces of the*
2 *Yemeni Ministry of Interior.*

3 “(3) CONGRESSIONAL NOTIFICATION.—

4 “(A) BY SECRETARY OF STATE.—*The Sec-*
5 *retary of State shall notify the congressional*
6 *committees specified in subsection (e)(3) when-*
7 *ever the Secretary of State makes a certification*
8 *under paragraph (1)(B) for purposes of exer-*
9 *cising the authority of paragraph (1).*

10 “(B) BY SECRETARY OF DEFENSE.—*The*
11 *Secretary of Defense shall notify the congres-*
12 *sional committees specified in subsection (e)(3)*
13 *whenever the Secretary of Defense exercises the*
14 *authority of paragraph (2) to support or conduct*
15 *a program or programs described in paragraph*
16 *(2).*

17 “(C) CONTENTS.—*A notification under sub-*
18 *paragraph (A) or (B) shall include a description*
19 *of the program or programs to be conducted or*
20 *supported under the authority of this sub-*
21 *section.”.*

22 (d) ONE-YEAR EXTENSION OF AUTHORITY.—*Sub-*
23 *section (h) of such section, as most recently amended by*
24 *section 1206(c) of the Duncan Hunter National Defense Au-*
25 *thorization Act for Fiscal Year 2009 (Public Law 110–417;*

1 122 Stat. 4625) and redesignated by subsection (c) of this
2 section, is further amended by—

3 (1) by striking “September 30, 2011” and insert-
4 ing “September 30, 2012”; and

5 (2) by striking “fiscal years 2006 through 2011”
6 and inserting “fiscal years 2006 through 2012”.

7 **SEC. 1204. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP**
8 **FOR PEACE NATIONS TO PARTICIPATE IN THE**
9 **EURO-NATO JOINT JET PILOT TRAINING PRO-**
10 **GRAM.**

11 (a) *ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—*
12 *The Secretary of the Air Force shall establish and maintain*
13 *a demonstration scholarship program to allow personnel of*
14 *the air forces of countries that are signatories of the Part-*
15 *nership for Peace Framework Document to receive under-*
16 *graduate pilot training and necessary related training*
17 *through the Euro-NATO Joint Jet Pilot Training*
18 *(ENJJPT) program. The Secretary of the Air Force shall*
19 *establish the program pursuant to regulations prescribed by*
20 *the Secretary of Defense in consultation with the Secretary*
21 *of State.*

22 (b) *TRANSPORTATION, SUPPLIES, AND ALLOWANCE.—*
23 *Under such conditions as the Secretary of the Air Force*
24 *may prescribe, the Secretary may provide to a person re-*
25 *ceiving a scholarship under the scholarship program—*

1 (1) *transportation incident to the training re-*
2 *ceived under the ENJJPT program;*

3 (2) *supplies and equipment to be used during the*
4 *training;*

5 (3) *flight clothing and other special clothing re-*
6 *quired for the training;*

7 (4) *billeting, food, and health services; and*

8 (5) *a living allowance at a rate to be prescribed*
9 *by the Secretary, taking into account the amount of*
10 *living allowances authorized for a member of the*
11 *armed forces under similar circumstances.*

12 (c) *RELATION TO EURO-NATO JOINT JET PILOT*
13 *TRAINING PROGRAM.—*

14 (1) *ENJJPT STEERING COMMITTEE AUTHOR-*
15 *ITY.—Nothing in this section shall be construed or in-*
16 *terpreted to supersede the authority of the ENJJPT*
17 *Steering Committee under the ENJJPT Memorandum*
18 *of Understanding. Pursuant to the ENJJPT Memo-*
19 *randum of Understanding, the ENJJPT Steering*
20 *Committee may resolve to forbid any airman or air-*
21 *men from a Partnership for Peace nation to partici-*
22 *pate in the Euro-NATO Joint Jet Pilot Training pro-*
23 *gram under the authority of a scholarship under this*
24 *section.*

1 (2) *NO REPRESENTATION.*—Countries whose air
2 force personnel receive scholarships under the scholar-
3 ship program shall not have privilege of ENJJPT
4 Steering Committee representation.

5 (d) *LIMITATION ON ELIGIBLE COUNTRIES.*—The Sec-
6 retary of the Air Force may not use the authority in sub-
7 section (a) to provide assistance described in subsection (b)
8 to any foreign country that is otherwise prohibited from
9 receiving such type of assistance under the Foreign Assist-
10 ance Act of 1961 (22 U.S.C. 2151 et seq.) or any other pro-
11 vision of law.

12 (e) *COST-SHARING.*—For purposes of ENJJPT cost-
13 sharing, personnel of an air force of a foreign country who
14 receive a scholarship under the scholarship program may
15 be counted as United States pilots.

16 (f) *PROGRESS REPORT.*—Not later than February 1,
17 2015, the Secretary of the Air Force shall submit to the con-
18 gressional defense committees, the Committee on Foreign Af-
19 fairs of the House of Representatives, and the Committee
20 on Foreign Relations of the Senate a report on the status
21 of the demonstration program, including the opinion of the
22 Secretary and NATO allies on the benefits of the program
23 and whether or not to permanently authorize the program
24 or extend the program beyond fiscal year 2015. The report
25 shall specify the following:

1 (1) *The countries participating in the scholar-*
2 *ship program.*

3 (2) *The total number of foreign pilots who re-*
4 *ceived scholarships under the scholarship program.*

5 (3) *The amount expended on scholarships under*
6 *the scholarship program.*

7 (4) *The source of funding for scholarships under*
8 *the scholarship program.*

9 (g) *DURATION.*—*No scholarship may be awarded*
10 *under the scholarship program after September 30, 2015.*

11 (h) *FUNDING SOURCE.*—*Amounts to award scholar-*
12 *ships under the scholarship program shall be derived from*
13 *amounts authorized to be appropriated for operation and*
14 *maintenance for the Air Force.*

15 ***Subtitle B—Matters Relating to***
16 ***Iraq, Afghanistan, and Pakistan***

17 ***SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR***
18 ***CERTAIN PURPOSES RELATING TO IRAQ.***

19 *No funds appropriated pursuant to an authorization*
20 *of appropriations in this Act may be obligated or expended*
21 *for a purpose as follows:*

22 (1) *To establish any military installation or base*
23 *for the purpose of providing for the permanent sta-*
24 *tioning of United States Armed Forces in Iraq.*

1 (2) *To exercise United States control of the oil*
2 *resources of Iraq.*

3 **SEC. 1212. COMMANDERS' EMERGENCY RESPONSE PRO-**
4 **GRAM.**

5 (a) *AUTHORITY FOR FISCAL YEAR 2011.*—*During fis-*
6 *cal year 2011, from funds made available to the Depart-*
7 *ment of Defense for operation and maintenance for such*
8 *fiscal year—*

9 (1) *not to exceed \$100,000,000 may be used by*
10 *the Secretary of Defense in such fiscal year to provide*
11 *funds for the Commanders' Emergency Response Pro-*
12 *gram in Iraq; and*

13 (2) *not to exceed \$800,000,000 may be used by*
14 *the Secretary of Defense in such fiscal year to provide*
15 *funds for the Commanders' Emergency Response Pro-*
16 *gram in Afghanistan.*

17 (b) *QUARTERLY REPORTS.*—

18 (1) *IN GENERAL.*—*Not later than 30 days after*
19 *the end of each fiscal-year quarter of fiscal year 2011,*
20 *the Secretary of Defense shall submit to the congres-*
21 *sional defense committees a report regarding the Com-*
22 *manders' Emergency Response Program.*

23 (2) *MATTERS TO BE INCLUDED.*—*The report re-*
24 *quired under paragraph (1) shall include the fol-*
25 *lowing:*

1 (A) *The allocation and use of funds under*
2 *the Commanders' Emergency Response Program*
3 *or any other provision of law making funding*
4 *available for the Commanders' Emergency Re-*
5 *sponse Program during the fiscal-year quarter.*

6 (B) *The dates of obligation and expenditure*
7 *of such funds during the fiscal-year quarter.*

8 (C) *A description of each project for which*
9 *amounts in excess of \$500,000 were obligated or*
10 *expended during the fiscal-year quarter.*

11 (D) *The dates of obligation and expenditure*
12 *of funds under the Commanders' Emergency Re-*
13 *sponse Program or any other provision of law*
14 *making funding available for the Commanders'*
15 *Emergency Response Program for each of fiscal*
16 *years 2004 through 2010.*

17 (3) *MATTERS TO BE INCLUDED WITH RESPECT*
18 *TO COMMANDERS' EMERGENCY RESPONSE PROGRAM*
19 *IN IRAQ.—The report required under paragraph (1)*
20 *shall include the following with respect to the Com-*
21 *manders' Emergency Response Program in Iraq:*

22 (A) *A written statement by the Secretary of*
23 *Defense, or the Deputy Secretary of Defense if*
24 *the authority under subsection (f) is delegated to*
25 *the Deputy Secretary of Defense, affirming that*

1 *the certification required under subsection (f)*
2 *was issued for each project for which amounts in*
3 *excess of \$1,000,000 were obligated or expended*
4 *during the fiscal-year quarter.*

5 *(B) For each project listed in subparagraph*
6 *(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 the*
11 *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 status*
24 *of the project, including, where appropriate,*
25 *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 pro-
6 grams designed to meet urgent humani-
7 tarian relief and reconstruction require-
8 ments that immediately assist the Iraqi peo-
9 ple; and

10 (ii) a description of the progress made
11 in transitioning the responsibility for the
12 Sons of Iraq Program to the Government of
13 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 congressional
18 defense committees a copy of the guidance issued by
19 the Secretary to the Armed Forces concerning the allo-
20 cation of funds through the Commanders' Emergency
21 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 defense
25 committees a copy of the modification not later than

1 15 days after the date on which the Secretary makes
2 the modification.

3 (d) *WAIVER AUTHORITY.*—For purposes of exercising
4 the authority provided by this section or any other provi-
5 sion of law making funding available for the Commanders’
6 Emergency Response Program, the Secretary of Defense
7 may waive any provision of law not contained in this sec-
8 tion that would (but for the waiver) prohibit, restrict, limit,
9 or otherwise constrain the exercise of that authority.

10 (e) *PROHIBITION ON CERTAIN PROJECTS UNDER COM-*
11 *MANDERS’ EMERGENCY RESPONSE PROGRAM IN IRAQ.*—

12 (1) *PROHIBITION.*—Except as provided in para-
13 graph (2), funds made available under this section for
14 the Commanders’ Emergency Response Program in
15 Iraq may not be obligated or expended to carry out
16 any project if the total amount of such funds made
17 available for the purpose of carrying out the project
18 exceeds \$2,000,000.

19 (2) *EXCEPTION.*—The prohibition contained in
20 paragraph (1) shall not apply with respect to funds
21 managed or controlled by the Department of Defense
22 that were otherwise provided by another department
23 or agency of the United States Government, the Gov-
24 ernment of Iraq, the government of a foreign country,
25 a foundation or other charitable organization (includ-

1 *ing a foundation or charitable organization that is*
2 *organized or operates under the laws of a foreign*
3 *country), or any source in the private sector of the*
4 *United States or a foreign country.*

5 (3) *WAIVER.—The Secretary of Defense may*
6 *waive the prohibition contained in paragraph (1) if*
7 *the Secretary—*

8 (A) *determines that such a waiver is re-*
9 *quired to meet urgent humanitarian relief and*
10 *reconstruction requirements that will imme-*
11 *diately assist the Iraqi people; and*

12 (B) *submits in writing, within 15 days of*
13 *issuing such waiver, to the congressional defense*
14 *committees a notification of the waiver, together*
15 *with a discussion of—*

16 (i) *the unmet and urgent needs to be*
17 *addressed by the project; and*

18 (ii) *any arrangements between the*
19 *Government of the United States and the*
20 *Government of Iraq regarding the provision*
21 *of Iraqi funds for carrying out and sus-*
22 *taining the project.*

23 (f) *CERTIFICATION OF CERTAIN PROJECTS UNDER*
24 *THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN*
25 *IRAQ.—*

1 (1) *CERTIFICATION.*—*Funds made available*
2 *under this section for the Commanders’ Emergency*
3 *Response Program in Iraq may not be obligated or*
4 *expended to carry out any project if the total amount*
5 *of such funds made available for the purpose of car-*
6 *rying out the project exceeds \$1,000,000 unless the*
7 *Secretary of Defense certifies that the project address-*
8 *es urgent humanitarian relief and reconstruction re-*
9 *quirements that will immediately assist the Iraqi peo-*
10 *ple.*

11 (2) *DELEGATION.*—*The Secretary may delegate*
12 *the authority under paragraph (1) to the Deputy Sec-*
13 *retary of Defense.*

14 (g) *DEFINITIONS.*—*In this section—*

15 (1) *the term “Commanders’ Emergency Response*
16 *Program” means—*

17 (A) *with respect to Iraq, the program estab-*
18 *lished by the Administrator of the Coalition Pro-*
19 *visional Authority for the purpose of enabling*
20 *United States military commanders in Iraq to*
21 *respond to urgent humanitarian relief and re-*
22 *construction requirements within their areas of*
23 *responsibility by carrying out programs that*
24 *will immediately assist the Iraqi people; and*

1 (B) with respect to Afghanistan, the pro-
2 gram established for Afghanistan for purposes
3 similar to the program established for Iraq, as
4 described in subparagraph (A);

5 (2) the term “Commanders’ Emergency Response
6 Program in Iraq” means the program described in
7 paragraph (1)(A); and

8 (3) the term “Commanders’ Emergency Response
9 Program in Afghanistan” means the program de-
10 scribed in paragraph (1)(B).

11 **SEC. 1213. MODIFICATION OF AUTHORITY FOR REIMBURSE-**
12 **MENT TO CERTAIN COALITION NATIONS FOR**
13 **SUPPORT PROVIDED TO UNITED STATES**
14 **MILITARY OPERATIONS.**

15 (a) *EXTENSION OF AUTHORITY.*—Subsection (a) of sec-
16 *tion 1233 of the National Defense Authorization Act for Fis-*
17 *cal Year 2008 (Public Law 110–181; 122 Stat. 393), as*
18 *amended by section 1223 of the National Defense Authoriza-*
19 *tion Act for Fiscal Year 2010 (Public Law 111–84; 123*
20 *Stat. 2519), is further amended—*

21 (1) in the matter preceding paragraph (1), by
22 striking “2010” and inserting “2011”; and

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

24 “(3) Logistical and military support provided by
25 that nation to confront the threat posed by al’Qaida,

1 *the Taliban, and other militant extremists in Paki-*
2 *stan.”.*

3 (b) *LIMITATION ON AMOUNT.*—Subsection (d)(1) of
4 *such section is amended by striking “2010” and inserting*
5 *“2011”.*

6 **SEC. 1214. MODIFICATION OF REPORT ON RESPONSIBLE**
7 **REDEPLOYMENT OF UNITED STATES ARMED**
8 **FORCES FROM IRAQ.**

9 (a) *REPORT REQUIRED.*—Subsection (a) of section
10 *1227 of the National Defense Authorization Act for Fiscal*
11 *Year 2010 (Public Law 111–84; 123 Stat. 2525; 50 U.S.C.*
12 *1541 note) is amended—*

13 (1) *by striking “December 31, 2009” and insert-*
14 *ing “December 31, 2010”; and*

15 (2) *by striking “90 days thereafter” and insert-*
16 *ing “180 days thereafter”.*

17 (b) *ELEMENTS.*—Subsection (b) of such section is
18 *amended—*

19 (1) *in paragraph (5), by striking “Multi-Na-*
20 *tional Force–Iraq” each place it occurs and inserting*
21 *“United States Forces–Iraq”; and*

22 (2) *by adding at the end the following:*

23 “(6) *An assessment of progress to transfer re-*
24 *sponsibility of programs, projects, and activities car-*
25 *ried out in Iraq by the Department of Defense to*

1 *other United States Government departments and*
2 *agencies, international or nongovernmental entities,*
3 *or the Government of Iraq. The assessment should in-*
4 *clude a description of the numbers and categories of*
5 *programs, projects, and activities for which such other*
6 *entities have taken responsibility or which have been*
7 *discontinued by the Department of Defense. The as-*
8 *essment should also include a discussion of any dif-*
9 *iculties or barriers in transitioning such programs,*
10 *projects, and activities and what, if any, solutions*
11 *have been developed to address such difficulties or*
12 *barriers.*

13 *“(7) An assessment of progress toward the goal*
14 *of establishing those minimum essential capabilities*
15 *determined by the Secretary of Defense as necessary*
16 *to allow the Government of Iraq to provide for its*
17 *own internal and external defense, including a de-*
18 *scription of—*

19 *“(A) such capabilities both extant and re-*
20 *maining to be developed;*

21 *“(B) major military equipment necessary to*
22 *achieve such capabilities;*

23 *“(C) the level and type of support provided*
24 *by the United States to address shortfalls in such*
25 *capabilities; and*

1 “(D) *the level of commitment, both financial*
2 *and political, made by the Government of Iraq*
3 *to develop such capabilities, including a discus-*
4 *sion of resources used by the Government of Iraq*
5 *to develop capabilities that the Secretary deter-*
6 *mines are not minimum essential capabilities for*
7 *purposes of this paragraph.*

8 “(8) *An assessment of the anticipated level and*
9 *type of support to be provided by United States spe-*
10 *cial operations forces to the Government of Iraq and*
11 *Iraqi special operations forces during the redeploy-*
12 *ment of United States conventional forces from Iraq.*
13 *The assessment should include a listing of anticipated*
14 *organic support, organic combat service support, and*
15 *additional critical enabling asset requirements for*
16 *United States special operations forces and Iraqi spe-*
17 *cial operations forces, to include engineers, rotary*
18 *aircraft, logisticians, communications assets, informa-*
19 *tion support specialists, forensic analysts, and intel-*
20 *ligence, surveillance, and reconnaissance assets needed*
21 *through December 31, 2011.”.*

22 (c) *SECRETARY OF STATE COMMENTS.—Such section*
23 *is further amended by striking subsection (c) and inserting*
24 *the following:*

1 “(c) *SECRETARY OF STATE COMMENTS.*—Prior to sub-
2 mitting the report required under subsection (a), the Sec-
3 retary of Defense shall provide a copy of the report to the
4 Secretary of State for review. At the request of the Secretary
5 of State, the Secretary of Defense shall include an appendix
6 to the report which contains any comments or additional
7 information that the Secretary of State requests.”.

8 (d) *FORM.*—Subsection (d) of such section is amended
9 by striking “, whether or not included in another report
10 on Iraq submitted to Congress by the Secretary of Defense,”.

11 (e) *TERMINATION.*—Such section is further amended
12 by adding at the end the following:

13 “(f) *TERMINATION.*—The requirement to submit the re-
14 port required under subsection (a) shall terminate on Sep-
15 tember 30, 2012.”.

16 (f) *REPEAL OF OTHER REPORTING REQUIREMENTS.*—
17 The following provisions of law are hereby repealed:

18 (1) *Section 1227 of the National Defense Author-*
19 *ization Act for Fiscal Year 2006 (Public Law 109–*
20 *163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as amend-*
21 *ed by section 1223 of the National Defense Authoriza-*
22 *tion Act for Fiscal Year 2008 (Public Law 110–181;*
23 *122 Stat. 373)).*

1 (2) *Section 1225 of the National Defense Author-*
2 *ization Act for Fiscal Year 2008 (Public Law 110-*
3 *181; 122 Stat. 375).*

4 **SEC. 1215. MODIFICATION OF REPORTS RELATING TO AF-**
5 **GHANISTAN.**

6 (a) *REPORT ON PROGRESS TOWARD SECURITY AND*
7 *STABILITY IN AFGHANISTAN.—*

8 (1) *REPORT REQUIRED.—Subsection (a) of sec-*
9 *tion 1230 of the National Defense Authorization Act*
10 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*
11 *385), as amended by section 1236 of the National De-*
12 *fense Authorization Act for Fiscal Year 2010 (Public*
13 *Law 111–84; 123 Stat. 2535), is further amended by*
14 *striking “2011” and inserting “2012”.*

15 (2) *MATTERS TO BE INCLUDED: STRATEGIC DI-*
16 *RECTION OF UNITED STATES ACTIVITIES RELATING TO*
17 *SECURITY AND STABILITY IN AFGHANISTAN.—Sub-*
18 *section (c) of such section is amended by adding at*
19 *the end the following:*

20 “(8) *CONDITIONS NECESSARY FOR ACHIEVEMENT*
21 *OF PROGRESS.—A discussion of the conditions and*
22 *criteria that would need to exist in key districts and*
23 *across Afghanistan to—*

24 “(A) *meet United States and coalition goals*
25 *in Afghanistan and the region;*

1 “(B) permit the transition of lead security
2 responsibility in key districts to the Government
3 of Afghanistan; and

4 “(C) permit the redeployment of United
5 States Armed Forces and coalition forces from
6 Afghanistan.”.

7 (3) *MATTERS TO BE INCLUDED: PERFORMANCE*
8 *INDICATORS AND MEASURES OF PROGRESS TOWARD*
9 *SUSTAINABLE LONG-TERM SECURITY AND STABILITY*
10 *IN AFGHANISTAN.—Subsection (d) of such section is*
11 *amended by adding at the end the following:*

12 “(3) *CONDITIONS NECESSARY FOR ACHIEVEMENT*
13 *OF PROGRESS.—With respect to each performance in-*
14 *dicator and measure of progress specified in para-*
15 *graph (2) (A) through (L), the report shall include a*
16 *description of the conditions that would need to exist*
17 *in Afghanistan for the Secretary of Defense to con-*
18 *clude that such indicator or measure of progress has*
19 *been achieved.”.*

20 (b) *UNITED STATES PLAN FOR SUSTAINING THE AF-*
21 *GHANISTAN NATIONAL SECURITY FORCES.—Section*
22 *1231(a) of the National Defense Authorization Act for Fis-*
23 *cal Year 2008 (Public Law 110–181; 122 Stat. 390) is*
24 *amended by striking “2010” and inserting “2012”.*

1 **SEC. 1216. NO PERMANENT MILITARY BASES IN AFGHANI-**
2 **STAN.**

3 *None of the funds authorized to be appropriated by this*
4 *Act may be obligated or expended by the United States Gov-*
5 *ernment to establish any military installation or base for*
6 *the purpose of providing for the permanent stationing of*
7 *United States Armed Forces in Afghanistan.*

8 **SEC. 1217. AUTHORITY TO USE FUNDS FOR REINTEGRATION**
9 **ACTIVITIES IN AFGHANISTAN.**

10 *(a) AUTHORITY.—If a certification described in sub-*
11 *section (b) is made in accordance with such subsection, the*
12 *Secretary of Defense may utilize not more than \$50,000,000*
13 *from funds made available to the Department of Defense*
14 *for operations and maintenance for fiscal year 2011 to sup-*
15 *port in those areas of Afghanistan specified in the certifi-*
16 *cation the reintegration into Afghan society of those indi-*
17 *viduals who—*

18 *(1) have ceased all support to the insurgency in*
19 *Afghanistan;*

20 *(2) have agreed to live in accordance with the*
21 *Constitution of Afghanistan;*

22 *(3) have renounced violence against the Govern-*
23 *ment of Afghanistan and its international partners;*
24 *and*

25 *(4) do not have material ties to al Qaeda or af-*
26 *filiated transnational terrorist organizations.*

1 (b) *CERTIFICATION.*—A certification described in this
2 subsection is a certification made by the Secretary of State,
3 in coordination with the Administrator of United States
4 Agency for International Development, to the appropriate
5 congressional committees stating that it is necessary for the
6 Department of Defense to carry out a program of reinte-
7 gration in areas of Afghanistan that are specified by the Sec-
8 retary of State in the certification. Such certification shall
9 include—

10 (1) a statement that such program is necessary
11 to support the goals of the United States in Afghani-
12 stan; and

13 (2) a certification that the Department of State
14 and the United States Agency for International De-
15 velopment are unable to carry out a similar program
16 of reintegration in the areas specified by the Sec-
17 retary of State because of the security environment of
18 such areas or for other reasons.

19 (c) *SUBMISSION OF GUIDANCE.*—

20 (1) *INITIAL SUBMISSION.*—Not later than 30
21 days after the date of the enactment of this Act, the
22 Secretary of Defense, with the concurrence of the Sec-
23 retary of State, shall submit to the appropriate con-
24 gressional committees a copy of the guidance issued
25 by the Secretary or the Secretary's designee con-

1 *cerning the allocation of funds utilizing the authority*
2 *of subsection (a). Such guidance shall include—*

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

7 *(B) mechanisms to track the status of those*
8 *individuals described in subsection (a); and*

9 *(C) metrics to monitor and evaluate the im-*
10 *act of funds used pursuant to subsection (a).*

11 *(2) MODIFICATIONS.—If the guidance in effect*
12 *for the purpose stated in paragraph (1) is modified,*
13 *the Secretary of Defense, with the concurrence of the*
14 *Secretary of State, shall submit to the appropriate*
15 *congressional committees a copy of the modification*
16 *not later than 15 days after the date on which such*
17 *modification is made.*

18 *(d) QUARTERLY REPORTS.—The Secretary of Defense*
19 *shall submit to the appropriate congressional committees a*
20 *report on activities carried out utilizing the authority of*
21 *subsection (a).*

22 *(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
23 *FINED.—In this section, the term “appropriate congres-*
24 *sional committees” means—*

25 *(1) the congressional defense committees; and*

1 (2) *the Committee on Foreign Affairs of the*
2 *House of Representative and the Committee on For-*
3 *oreign Relations of the Senate.*

4 (f) *EXPIRATION.*—*The authority to utilize funds under*
5 *subsection (a) shall expire at the close of December 31, 2011.*

6 **SEC. 1218. ONE-YEAR EXTENSION OF PAKISTAN COUNTER-**
7 **INSURGENCY FUND.**

8 *Section 1224(h) of the National Defense Authorization*
9 *Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
10 *2521) is amended by striking “September 30, 2010” both*
11 *places it appears and inserting “September 30, 2011”.*

12 **SEC. 1219. AUTHORITY TO USE FUNDS TO PROVIDE SUP-**
13 **PORT TO COALITION FORCES SUPPORTING**
14 **MILITARY AND STABILITY OPERATIONS IN**
15 **IRAQ AND AFGHANISTAN.**

16 (a) *AUTHORITY.*—*Notwithstanding section 127d(c) of*
17 *title 10, United States Code, up to \$400,000,000 of the*
18 *funds available to the Department of Defense by section*
19 *1509 of this Act may be used to provide supplies, services,*
20 *transportation, including airlift and sealift, and other*
21 *logistical support to coalition forces supporting military*
22 *and stability operations in Iraq and Afghanistan.*

23 (b) *QUARTERLY REPORTS.*—*The Secretary of Defense*
24 *shall submit quarterly reports to the congressional defense*
25 *committees regarding support provided under this section.*

1 **SEC. 1220. REQUIREMENT TO PROVIDE UNITED STATES BRI-**
2 **GADE AND EQUIVALENT UNITS DEPLOYED TO**
3 **AFGHANISTAN WITH THE COMMENSURATE**
4 **LEVEL OF UNIT AND THEATER-WIDE COMBAT**
5 **ENABLERS.**

6 (a) *STATEMENT OF POLICY.*—*It is the policy of the*
7 *United States to provide each United States brigade and*
8 *equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers to—*

10 (1) *implement the United States strategy to disrupt, dismantle, and defeat al Qaeda, the Taliban, and their affiliated networks and eliminate their safe haven;*

14 (2) *achieve the military campaign plan;*

15 (3) *minimize the level risk to United States, coalition, and Afghan forces; and*

17 (4) *reduce the number of military and civilian casualties.*

19 (b) *REQUIREMENT.*—*In order to achieve the policy expressed in subsection (a), the Secretary of Defense shall provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers.*

24 (c) *REPORT.*—*Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall*

1 *submit to the Committees on Armed Services of the Senate*
2 *and House of Representatives a report containing—*

3 *(1) a description of United States Forces–Af-*
4 *ghanistan requests for forces for fiscal years 2008,*
5 *2009, and 2010;*

6 *(2) a description of the current troop-to-task*
7 *analysis and resource requirements;*

8 *(3) the number of United States brigade and*
9 *equivalent units deployed to Afghanistan;*

10 *(4) the number of United States unit and the-*
11 *ater-wide combat enablers deployed to Afghanistan,*
12 *including at a minimum, a breakdown of—*

13 *(A) Intelligence, Surveillance, and Recon-*
14 *naissance (ISR);*

15 *(B) force protection, including force protec-*
16 *tion at each United States Forward Operating*
17 *Base (FOB); and*

18 *(C) medical evacuation (MEDEVAC); and*

19 *(5) an assessment of the risk to United States,*
20 *coalition, and Afghan forces based on a lack of com-*
21 *bat enablers.*

22 *(d) COMBAT ENABLERS DEFINED.—In this section, the*
23 *term “combat enablers” includes—*

24 *(1) Intelligence, Surveillance, and Reconnaiss-*
25 *sance (ISR);*

- 1 (2) *force protection, including force protection at*
2 *each United States Forward Operating Base (FOB);*
3 (3) *medical evacuation (MEDEVAC); and*
4 (4) *any other combat enablers as determined by*
5 *the Secretary of Defense.*

6 ***Subtitle C—Other Matters***

7 ***SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION***

8 ***CENTER.***

9 *Section 1244(a) of the National Defense Authorization*
10 *Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
11 *2541) is amended—*

- 12 (1) *by striking “fiscal year 2010” and inserting*
13 *“fiscal year 2011”; and*
14 (2) *by striking “\$30,000,000” and inserting*
15 *“\$50,000,000”.*

16 ***SEC. 1232. NATIONAL MILITARY STRATEGIC PLAN TO***

17 ***COUNTER IRAN.***

18 (a) *NATIONAL MILITARY STRATEGIC PLAN RE-*
19 *QUIRED.—The Secretary of Defense shall develop a strategic*
20 *plan, to be known as the “National Military Strategic Plan*
21 *to Counter Iran”. The strategic plan shall—*

- 22 (1) *outline the Department of Defense’s strategic*
23 *planning and provide strategic guidance for military*
24 *activities and operations that support the United*

1 *States policy objective of countering threats posed by*
2 *Iran;*

3 (2) *identify the direct and indirect military con-*
4 *tribution to this policy objective, and constitute the*
5 *comprehensive military plan to counter threats posed*
6 *by Iran;*

7 (3) *undertake a review of the intelligence in the*
8 *possession of the Department of Defense to develop a*
9 *list of gaps in intelligence that limit the ability of the*
10 *Department of Defense to counter threats emanating*
11 *from Iran that the Secretary considers to be critical;*

12 (4) *shall develop a plan to address those gaps*
13 *identified in the review under paragraph (3); and*

14 (5) *undertake a review of the plans of the De-*
15 *partment of Defense to counter threats to the United*
16 *States, its forces, allies, and interests from Iran, in-*
17 *cluding—*

18 (A) *plans for both conflict and peace;*

19 (B) *contributions of the Department of De-*
20 *fense to the efforts of other agencies of the United*
21 *States Government to counter or address the*
22 *threat emanating from Iran; and*

23 (C) *any gaps in the plans, capabilities and*
24 *authorities of the Department.*

1 (b) *PLAN*.—*In addition to the plan required under*
2 *subsection (a), the Secretary of Defense shall develop a plan*
3 *to address those gaps identified in the review required in*
4 *subsection (a)(5). The plan shall guide the planning and*
5 *actions of the relevant combatant commands, the military*
6 *departments, and combat support agencies that the Sec-*
7 *retary of Defense determines have a role in countering*
8 *threats posed by Iran.*

9 (c) *REPORT TO CONGRESS*.—

10 (1) *IN GENERAL*.—*Not later than the date on*
11 *which the President submits to Congress the budget*
12 *for a fiscal year under section 1105 of title 31, United*
13 *States Code, the Secretary of Defense shall submit to*
14 *the congressional defense committees a report identi-*
15 *fying and justifying any resources, capabilities, legis-*
16 *lative authorities, or changes to current law the Sec-*
17 *retary believes are necessary to carry out the plan re-*
18 *quired under subsection (b) to address the gaps iden-*
19 *tified in the strategic plan required in subsection (a).*

20 (2) *FORM*.—*The report required in paragraph*
21 *(1) shall be in unclassified form, but may include a*
22 *classified annex.*

1 **SEC. 1233. REPORT ON DEPARTMENT OF DEFENSE'S PLANS**
2 **TO REFORM THE EXPORT CONTROL SYSTEM.**

3 (a) *REPORT REQUIRED.*—Not later than 60 days after
4 the date of the enactment of this Act, the Secretary of De-
5 fense shall submit to the appropriate congressional commit-
6 tees a report on the Department of Defense's plans to reform
7 the Department's export control system.

8 (b) *MATTERS TO BE INCLUDED.*—The report required
9 under subsection (a) shall include—

10 (1) a description of the plans of the Department
11 of Defense to implement Presidential Study Directive
12 8; and

13 (2) an assessment of the extent to which the
14 plans to reform the export control system will—

15 (A) impact the Defense Technology Security
16 Administration of the Department of Defense;

17 (B) affect the role of the Department of De-
18 fense with respect to export control policy; and

19 (C) ensure greater protection and moni-
20 toring of key defense items and technologies.

21 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
22 *FINED.*—In this section, the term “appropriate congres-
23 sional committees” means—

24 (1) the Committee on Armed Services and the
25 Committee on Foreign Affairs of the House of Rep-
26 resentatives; and

1 (2) *the Committee on Armed Services and the*
2 *Committee on Foreign Relations of the Senate.*

3 **SEC. 1234. REPORT ON UNITED STATES EFFORTS TO DE-**
4 **FEND AGAINST THREATS POSED BY THE AD-**
5 **VANCED ANTI-ACCESS CAPABILITIES OF PO-**
6 **TENTIALLY HOSTILE FOREIGN COUNTRIES.**

7 (a) *CONGRESSIONAL FINDING.*—Congress finds that
8 *the report of the 2010 Department of Defense Quadrennial*
9 *Defense Review finds that “Anti-access strategies seek to*
10 *deny outside countries the ability to project power into a*
11 *region, thereby allowing aggression or other destabilizing*
12 *actions to be conducted by the anti-access power. Without*
13 *dominant capabilities to project power, the integrity of U.S.*
14 *alliances and security partnerships could be called into*
15 *question, reducing U.S. security and influence and increas-*
16 *ing the possibility of conflict.”.*

17 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
18 *that, in light of the finding in subsection (a), the Secretary*
19 *of Defense should ensure that the United States has the ap-*
20 *propriate authorities, capabilities, and force structure to de-*
21 *fend against any threats posed by the advanced anti-access*
22 *capabilities of potentially hostile foreign countries.*

23 (c) *REPORT.*—Not later than April 1, 2011, the Sec-
24 *retary of Defense shall submit to the Committees on Armed*
25 *Services of the Senate and the House of Representatives a*

1 *report on United States efforts to defend against any threats*
2 *posed by the advanced anti-access capabilities of potentially*
3 *hostile foreign countries.*

4 (d) *MATTERS TO BE INCLUDED.*—*The report required*
5 *under subsection (c) shall include the following:*

6 (1) *An assessment of any threats posed by the*
7 *advanced anti-access capabilities of potentially hostile*
8 *foreign countries, including an identification of the*
9 *foreign countries with such capabilities, the nature of*
10 *such capabilities, and the possible advances in such*
11 *capabilities over the next 10 years.*

12 (2) *A description of any efforts by the Depart-*
13 *ment of Defense since the release of the 2010 Quadren-*
14 *ennial Defense Review to address the finding in sub-*
15 *section (a).*

16 (3) *A description of the authorities, capabilities,*
17 *and force structure that the United States may re-*
18 *quire over the next 10 years to address the finding in*
19 *subsection (a).*

20 (e) *FORM.*—*The report required under subsection (c)*
21 *shall be submitted in unclassified form, but may contain*
22 *a classified annex if necessary.*

23 (f) *MODIFICATION OF OTHER REPORTS.*—

24 (1) *CONCERNING THE PEOPLE'S REPUBLIC OF*
25 *CHINA.*—*Section 1202(b) of the National Defense Au-*

1 *thorization Act for Fiscal Year 2000 (Public Law*
2 *106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most*
3 *recently amended by section 1246 of the National De-*
4 *fense Authorization Act for Fiscal Year 2010 (Public*
5 *Law 111–84; 123 Stat. 2544), is further amended—*

6 *(A) by redesignating paragraphs (10)*
7 *through (12) as paragraphs (11) through (13),*
8 *respectively; and*

9 *(B) by inserting after paragraph (9) the fol-*
10 *lowing:*

11 *“(10) Developments in China’s anti-access and*
12 *area denial capabilities.”.*

13 *(2) CONCERNING IRAN.—Section 1245(b) of the*
14 *National Defense Authorization Act for Fiscal Year*
15 *2010 (Public Law 111–84; 123 Stat. 2542) is amend-*
16 *ed by adding at the end the following:*

17 *“(5) A description and assessment of Iran’s anti-*
18 *access and area denial strategy and capabilities.”.*

19 **SEC. 1235. REPORT ON FORCE STRUCTURE CHANGES IN**
20 **COMPOSITION AND CAPABILITIES AT MILI-**
21 **TARY INSTALLATIONS IN EUROPE.**

22 *(a) REPORT REQUIRED.—Not later than one year*
23 *after the date of the enactment of this Act, the Secretary*
24 *of Defense, in coordination with the Secretary of State, shall*
25 *submit to the appropriate congressional committees a report*

1 *evaluating potential changes in the composition and capa-*
2 *bilities of units of the United States Armed Forces at mili-*
3 *tary installations in European member nations of the North*
4 *Atlantic Treaty Organization—*

5 *(1) to satisfy the commitments undertaken by*
6 *United States pursuant to Article 5 of the North At-*
7 *lantic Treaty, signed at Washington, District of Co-*
8 *lumbia, on April 4, 1949, and entered into force on*
9 *August 24, 1949 (63 Stat. 2241; TIAS 1964);*

10 *(2) to address the current security environment*
11 *in Europe, including United States participation in*
12 *theater cooperation activities; and*

13 *(3) to contribute to peace and stability in Eu-*
14 *rope.*

15 *(b) MATTERS TO BE CONSIDERED.—As part of the re-*
16 *port, the Secretary of Defense shall consider—*

17 *(1) the stationing of advisory and assist brigades*
18 *at military installations in Europe;*

19 *(2) the expanded use of Joint Task Forces to*
20 *train and build mutual capabilities with partner*
21 *countries; and*

22 *(3) the stationing of units of the United States*
23 *Armed Forces to support missile defense and cyber-se-*
24 *curity missions.*

1 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term “appropriate congres-*
3 *sional committees” means—*

4 (1) *the Committee on Armed Services and the*
5 *Committee on Foreign Affairs of the House of Rep-*
6 *resentatives; and*

7 (2) *the Committee on Armed Services and the*
8 *Committee on Foreign Relations of the Senate.*

9 **SEC. 1236. SENSE OF CONGRESS ON MISSILE DEFENSE AND**
10 **NEW START TREATY WITH RUSSIAN FEDERA-**
11 **TION.**

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

13 (1) *The United States and the Russian Federa-*
14 *tion signed the Treaty between the United States of*
15 *America and the Russian Federation on Measures for*
16 *the Further Reduction and Limitation of Strategic*
17 *Offensive Arms (commonly known as the “New*
18 *START Treaty”)* on April 8, 2010.

19 (2) *The preamble of the New START Treaty*
20 *states, “Recognizing the existence of the interrelation-*
21 *ship between strategic offensive arms and strategic de-*
22 *fensive arms, that this interrelationship will become*
23 *more important as strategic nuclear arms are re-*
24 *duced, and that current strategic defensive arms do*

1 *not undermine the viability and effectiveness of the*
2 *strategic offensive arms of the Parties.”.*

3 (3) *Officials of the United States have stated that*
4 *the New START Treaty does not constrain the missile*
5 *defenses of the United States and according to the*
6 *New START Treaty U.S. Congressional Briefing*
7 *Book of April, 2010, released by the Department of*
8 *State and the Department of Defense, “The United*
9 *States will continue to invest in improvements to both*
10 *strategic and theater missile defenses, both quali-*
11 *tatively and quantitatively, as needed for our security*
12 *and the security of our allies.”.*

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

15 (1) *as stated by officials of the United States,*
16 *there would be no limitations on any phase of the*
17 *phased, adaptive approach to missile defense in Eu-*
18 *rope resulting from ratification of the New START*
19 *treaty between the United States and Russia, signed*
20 *on 8 April 2010;*

21 (2) *the United States should deploy the phased,*
22 *adaptive approach for missile defense in Europe to*
23 *protect the United States, its deployed forces, and*
24 *NATO allies, after appropriate testing and consistent*
25 *with NATO policy; and*

1 (3) *the ground-based midcourse defense system in*
2 *Alaska and California should be maintained, evolved,*
3 *and appropriately tested because it is the only missile*
4 *defense capability as of the date of the enactment of*
5 *this Act that would protect the United States from the*
6 *growing threat of a long-range ballistic missile attack.*

7 ***TITLE XIII—COOPERATIVE***
8 ***THREAT REDUCTION***

9 ***SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-***
10 ***DUCTION PROGRAMS AND FUNDS.***

11 ***(a) SPECIFICATION OF COOPERATIVE THREAT REDUC-***
12 ***TION PROGRAMS.—For purposes of section 301 and other***
13 ***provisions of this Act, Cooperative Threat Reduction pro-***
14 ***grams are the programs specified in section 1501 of the Na-***
15 ***tional Defense Authorization Act for Fiscal Year 1997 (50***
16 ***U.S.C. 2362 note).***

17 ***(b) FISCAL YEAR 2011 COOPERATIVE THREAT REDUC-***
18 ***TION FUNDS DEFINED.—As used in this title, the term “fis-***
19 ***cal year 2011 Cooperative Threat Reduction funds” means***
20 ***the funds appropriated pursuant to the authorization of ap-***
21 ***propriations in section 301 for Cooperative Threat Reduc-***
22 ***tion programs.***

23 ***(c) AVAILABILITY OF FUNDS.—Funds appropriated***
24 ***pursuant to the authorization of appropriations in section***
25 ***301 for Cooperative Threat Reduction programs shall be***

1 *available for obligation for fiscal years 2011, 2012, and*
2 *2013.*

3 **SEC. 1302. FUNDING ALLOCATIONS.**

4 *(a) FUNDING FOR SPECIFIC PURPOSES.—Of the*
5 *\$522,512,000 authorized to be appropriated to the Depart-*
6 *ment of Defense for fiscal year 2011 in section 301(20) for*
7 *Cooperative Threat Reduction programs, the following*
8 *amounts may be obligated for the purposes specified:*

9 *(1) For strategic offensive arms elimination in*
10 *Russia, \$66,732,000.*

11 *(2) For strategic nuclear arms elimination in*
12 *Ukraine, \$6,800,000.*

13 *(3) For nuclear weapons storage security in Rus-*
14 *sia, \$9,614,000.*

15 *(4) For nuclear weapons transportation security*
16 *in Russia, \$45,000,000.*

17 *(5) For weapons of mass destruction prolifera-*
18 *tion prevention in the states of the former Soviet*
19 *Union, \$79,821,000.*

20 *(6) For biological threat reduction in the former*
21 *Soviet Union, \$209,034,000.*

22 *(7) For chemical weapons destruction,*
23 *\$3,000,000.*

24 *(8) For defense and military contacts,*
25 *\$5,000,000.*

1 (9) *For Global Nuclear Lockdown, \$74,471,000.*

2 (10) *For activities designated as Other Assess-*
3 *ments/Administrative Costs, \$23,040,000.*

4 **(b) REPORT ON OBLIGATION OR EXPENDITURE OF**
5 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2011 Coop-*
6 *erative Threat Reduction funds may be obligated or ex-*
7 *pended for a purpose other than a purpose listed in para-*
8 *graphs (1) through (10) of subsection (a) until 15 days after*
9 *the date that the Secretary of Defense submits to Congress*
10 *a report on the purpose for which the funds will be obligated*
11 *or expended and the amount of funds to be obligated or ex-*
12 *pended. Nothing in the preceding sentence shall be construed*
13 *as authorizing the obligation or expenditure of fiscal year*
14 *2011 Cooperative Threat Reduction funds for a purpose for*
15 *which the obligation or expenditure of such funds is specifi-*
16 *cally prohibited under this title or any other provision of*
17 *law.*

18 **(c) LIMITED AUTHORITY TO VARY INDIVIDUAL**
19 *AMOUNTS.—*

20 (1) *IN GENERAL.—Subject to paragraph (2), in*
21 *any case in which the Secretary of Defense determines*
22 *that it is necessary to do so in the national interest,*
23 *the Secretary may obligate amounts appropriated for*
24 *fiscal year 2011 for a purpose listed in paragraphs*

1 (1) through (10) of subsection (a) in excess of the spe-
2 cific amount authorized for that purpose.

3 (2) *NOTICE-AND-WAIT REQUIRED.*—An obligation
4 of funds for a purpose stated in paragraphs (1)
5 through (10) of subsection (a) in excess of the specific
6 amount authorized for such purpose may be made
7 using the authority provided in paragraph (1) only
8 after—

9 (A) the Secretary submits to Congress noti-
10 fication of the intent to do so together with a
11 complete discussion of the justification for doing
12 so; and

13 (B) 15 days have elapsed following the date
14 of the notification.

15 **TITLE XIV—OTHER**
16 **AUTHORIZATIONS**
17 **Subtitle A—Military Programs**

18 **SEC. 1401. WORKING CAPITAL FUNDS.**

19 *Funds are hereby authorized to be appropriated for fis-*
20 *cal year 2011 for the use of the Armed Forces and other*
21 *activities and agencies of the Department of Defense for*
22 *providing capital for working capital and revolving funds*
23 *in amounts as follows:*

24 (1) *For the Defense Working Capital Funds,*
25 *\$160,965,000.*

1 (2) *For the Defense Working Capital Fund, De-*
2 *fense Commissary, \$1,273,571,000.*

3 **SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BAL-**
4 **ANCES.**

5 (a) *STUDY REQUIRED.*—*Not later than 30 days after*
6 *the date of the enactment of this Act, the Secretary of De-*
7 *fense shall seek to enter into a contract with a federally*
8 *funded research and development center with appropriate*
9 *expertise in revolving fund financial management to carry*
10 *out a study to determine a sufficient operational level of*
11 *cash that each revolving fund of the Department of Defense*
12 *should maintain in order to sustain a single rate or price*
13 *throughout the fiscal year.*

14 (b) *CONTENTS OF STUDY.*—*In carrying out a study*
15 *pursuant to a contract entered into under subsection (a),*
16 *the federally funded research and development center*
17 *shall—*

18 (1) *qualitatively analyze the operational require-*
19 *ments and inherent risks associated with maintaining*
20 *a specific level of cash within each revolving fund of*
21 *the Department;*

22 (2) *for each such revolving fund, take into con-*
23 *sideration any effects on appropriation accounts that*
24 *have occurred due to changes made in the rates*
25 *charged by the fund during a fiscal year;*

1 (3) take into consideration direct input from the
2 Secretary of Defense and officials of each of the mili-
3 tary departments with leadership responsibility for fi-
4 nancial management;

5 (4) examine the guidance provided and regula-
6 tions prescribed by the Secretary of Defense and the
7 Secretary of each of the military departments, as in
8 effect on the date of the enactment of this Act, includ-
9 ing such guidance with respect to programming and
10 budgeting and the annual budget displays provided to
11 Congress;

12 (5) examine the effects on appropriations ac-
13 counts that have occurred due to congressional adjust-
14 ments relating to excess cash balances in revolving
15 funds;

16 (6) identify best business practices from the pri-
17 vate sector relating to sufficient cash balance reserves;

18 (7) examine any relevant applicable laws, in-
19 cluding the relevant body of work performed by the
20 Government Accountability Office; and

21 (8) address—

22 (A) instances where the fiscal policy of the
23 Department of Defense directly follows the law,
24 as in effect on the date of the enactment of this
25 Act, and instances where such policy is more re-

1 *strictive with respect to the fiscal management of*
2 *revolving funds than such law requires;*

3 *(B) instances where current Department fis-*
4 *cal policy restricts the capability of a revolving*
5 *fund to achieve the most economical and efficient*
6 *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 of*
19 *Defense and the Secretary of each of the military depart-*
20 *ments shall make available to a federally funded research*
21 *and development center carrying out a study pursuant to*
22 *a contract entered into under subsection (a) all necessary*
23 *and relevant information to allow the center to conduct the*
24 *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 nine months
3 after the date on which the Secretary of Defense enters into
4 the contract, the chief executive officer of the entity that car-
5 ries out the study pursuant to the contract shall submit to
6 the Committees on Armed Services of the Senate and House
7 of Representatives and the Secretary of Defense a final re-
8 port on the study. The report shall include each of the fol-
9 lowing:

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 with
13 the quantitative data used in conducting the assess-
14 ment 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 *section 2674(e) of title 10, United States Code, to the Mis-*
2 *cellaneous Receipts Fund of the United States Treasury.*

3 **SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.**

4 *Funds are hereby authorized to be appropriated for the*
5 *fiscal year 2011 for the National Defense Sealift Fund in*
6 *the amount of \$934,866,000.*

7 **SEC. 1406. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
8 **TION, DEFENSE.**

9 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
10 *hereby authorized to be appropriated for the Department*
11 *of Defense for fiscal year 2011 for expenses, not otherwise*
12 *provided for, for Chemical Agents and Munitions Destruc-*
13 *tion, Defense, in the amount of \$1,467,307,000, of which—*

14 *(1) \$1,067,364,000 is for Operation and Mainte-*
15 *nance;*

16 *(2) \$392,811,000 is for Research, Development,*
17 *Test, and Evaluation; and*

18 *(3) \$7,132,000 is for Procurement.*

19 *(b) USE.—Amounts authorized to be appropriated*
20 *under subsection (a) are authorized for—*

21 *(1) the destruction of lethal chemical agents and*
22 *munitions in accordance with section 1412 of the De-*
23 *partment of Defense Authorization Act, 1986 (50*
24 *U.S.C. 1521); and*

1 (1) \$29,947,792,000 is for Operation and Main-
2 tenance;

3 (2) \$524,239,000 is for Research, Development,
4 Test, and Evaluation; and

5 (3) \$519,921,000 is for Procurement.

6 **Subtitle B—National Defense**
7 **Stockpile**

8 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
9 **STOCKPILE FUNDS.**

10 (a) *OBLIGATION OF STOCKPILE FUNDS.*—During fis-
11 cal year 2011, the National Defense Stockpile Manager may
12 obligate up to \$41,181,000 of the funds in the National De-
13 fense Stockpile Transaction Fund established under sub-
14 section (a) of section 9 of the Strategic and Critical Mate-
15 rials Stock Piling Act (50 U.S.C. 98h) for the authorized
16 uses of such funds under subsection (b)(2) of such section,
17 including the disposal of hazardous materials that are envi-
18 ronmentally sensitive.

19 (b) *ADDITIONAL OBLIGATIONS.*—The National Defense
20 Stockpile Manager may obligate amounts in excess of the
21 amount specified in subsection (a) if the National Defense
22 Stockpile Manager notifies Congress that extraordinary or
23 emergency conditions necessitate the additional obligations.
24 The National Defense Stockpile Manager may make the ad-
25 ditional obligations described in the notification after the

1 *end of the 45-day period beginning on the date on which*
2 *Congress receives the notification.*

3 (c) *LIMITATIONS.—The authorities provided by this*
4 *section shall be subject to such limitations as may be pro-*
5 *vided in appropriations Acts.*

6 **SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES**
7 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
8 **FROM THE NATIONAL DEFENSE STOCKPILE.**

9 *Section 3402(b)(5) of the National Defense Authoriza-*
10 *tion Act for Fiscal Year 2000 (50 U.S.C. 98d note), as most*
11 *recently amended by section 1412(a) of the National Defense*
12 *Authorization Act for Fiscal Year 2008 (Public Law 110-*
13 *181; 122 Stat. 418), is amended by striking “\$710,000,000”*
14 *and inserting “\$730,000,000”.*

15 ***Subtitle C—Other Matters***

16 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**
17 **ARMED FORCES RETIREMENT HOME.**

18 *There is authorized to be appropriated for fiscal year*
19 *2011 from the Armed Forces Retirement Home Trust Fund*
20 *the sum of \$71,200,000 for the operation of the Armed*
21 *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 submits*
5 *to Congress the budget for fiscal year 2012 pursuant to sec-*
6 *tion 1105 of title 31, United States Code, the Director of*
7 *the Defense Logistics Agency shall submit to the congres-*
8 *sional defense committees a report on the fuel infrastructure*
9 *of the Department of Defense. Such report shall include pro-*
10 *jections for fuel infrastructure sustainment, restoration,*
11 *and modernization requirements, and a plan for funding*
12 *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 appropriations*
19 *for the Department of Defense for fiscal year 2011 to pro-*
20 *vide additional funds for overseas contingency operations*
21 *being carried out by the Armed Forces.*

22 **SEC. 1502. ARMY PROCUREMENT.**

23 *Funds are hereby authorized to be appropriated for fis-*
24 *cal year 2011 for procurement accounts of the Army in*
25 *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, \$652,491,000.*

5 (5) *For other procurement, \$5,865,446,000.*

6 **SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**

7 **FUND.**

8 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
9 *hereby authorized to be appropriated for fiscal year 2011*
10 *for the Joint Improvised Explosive Device Defeat Fund in*
11 *the amount of \$3,464,368,000.*

12 (b) *USE AND TRANSFER OF FUNDS.—Subsections (b)*
13 *and (c) of section 1514 of the John Warner National De-*
14 *fense Authorization Act for Fiscal Year 2007 (Public Law*
15 *109–364; 120 Stat. 2439), as amended by section 1503 of*
16 *the Duncan Hunter National Defense Authorization Act for*
17 *Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649),*
18 *shall apply to the funds appropriated pursuant to the au-*
19 *thorization of appropriations in subsection (a) and made*
20 *available to the Department of Defense for the Joint Impro-*
21 *vised Explosive Device Defeat Fund.*

22 (c) *MONTHLY OBLIGATIONS AND EXPENDITURE RE-*
23 *PORTS.—Not later than 15 days after the end of each month*
24 *of fiscal year 2011, the Secretary of Defense shall provide*
25 *to the congressional defense committees a report on the*

1 *Joint Improvised Explosive Device Defeat Fund explaining*
2 *monthly commitments, obligations, and expenditures by*
3 *line of action.*

4 **SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.**

5 *Funds are hereby authorized to be appropriated for fis-*
6 *cal year 2011 for procurement accounts of the Navy and*
7 *Marine Corps in amounts as follows:*

8 (1) *For aircraft procurement, Navy,*
9 *\$843,358,000.*

10 (2) *For weapons procurement, Navy,*
11 *\$93,425,000.*

12 (3) *For ammunition procurement, Navy and*
13 *Marine Corps, \$565,084,000.*

14 (4) *For other procurement, Navy, \$480,735,000.*

15 (5) *For procurement, Marine Corps,*
16 *\$1,854,243,000.*

17 **SEC. 1505. AIR FORCE PROCUREMENT.**

18 *Funds are hereby authorized to be appropriated for fis-*
19 *cal year 2011 for procurement accounts of the Air Force*
20 *in amounts as follows:*

21 (1) *For aircraft procurement, \$1,096,520,000.*

22 (2) *For ammunition procurement, \$292,959,000.*

23 (3) *For missile procurement, \$56,621,000.*

24 (4) *For other procurement, \$3,087,481,000.*

1 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2011 for the procurement account for Defense-wide*
4 *activities in the amount of \$1,376,046,000.*

5 **SEC. 1507. IRON DOME SHORT-RANGE ROCKET DEFENSE**
6 **PROGRAM.**

7 *Of the funds authorized to be appropriated by section*
8 *1506 for the procurement account for Defense-wide activi-*
9 *ties, the Secretary of Defense may provide up to*
10 *\$205,000,000 to the government of Israel for the procure-*
11 *ment of the Iron Dome defense system to counter short-range*
12 *rocket threats.*

13 **SEC. 1508. NATIONAL GUARD AND RESERVE EQUIPMENT.**

14 *Funds are hereby authorized to be appropriated for fis-*
15 *cal year 2011 for the procurement of aircraft, missiles,*
16 *wheeled and tracked combat vehicles, tactical wheeled vehi-*
17 *cles, ammunition, other weapons, and other procurement*
18 *for the reserve components of the Armed Forces in the*
19 *amount of \$700,000,000.*

20 **SEC. 1509. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
21 **FUND.**

22 *Funds are hereby authorized to be appropriated for fis-*
23 *cal year 2011 for the Mine Resistant Ambush Protected Ve-*
24 *hicle Fund in the amount of \$3,415,000,000.*

1 **SEC. 1510. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
2 **TION.**

3 *Funds are hereby authorized to be appropriated for fis-*
4 *cal year 2011 for the use of the Department of Defense for*
5 *research, development, test, and evaluation as follows:*

6 (1) *For the Army, \$112,734,000.*

7 (2) *For the Navy, \$60,401,000.*

8 (3) *For the Air Force, \$266,241,000.*

9 (4) *For Defense-wide activities, \$657,240,000.*

10 **SEC. 1511. OPERATION AND MAINTENANCE.**

11 *Funds are hereby authorized to be appropriated for fis-*
12 *cal year 2011 for the use of the Armed Forces for expenses,*
13 *not otherwise provided for, for operation and maintenance,*
14 *in amounts as follows:*

15 (1) *For the Army, \$62,202,618,000.*

16 (2) *For the Navy, \$8,946,634,000.*

17 (3) *For the Marine Corps, \$4,136,522,000.*

18 (4) *For the Air Force, \$13,487,283,000*

19 (5) *For Defense-wide activities, \$9,426,358,000.*

20 (6) *For the Army Reserve, \$286,950,000.*

21 (7) *For the Navy Reserve, \$93,559,000.*

22 (8) *For the Marine Corps Reserve, \$29,685,000.*

23 (9) *For the Air Force Reserve, \$129,607,000.*

24 (10) *For the Army National Guard,*
25 *\$544,349,000.*

26 (11) *For the Air National Guard, \$350,823,000.*

1 (12) *For the Afghanistan Security Forces Fund,*
2 \$10,964,983,000.

3 (13) *For the Iraq Security Forces Fund,*
4 \$2,000,000,000.

5 (14) *For the Overseas Contingency Operations*
6 *Transfer Fund, \$506,781,000.*

7 **SEC. 1512. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-**
8 **GHANISTAN SECURITY FORCES FUND.**

9 *Funds appropriated pursuant to the authorization of*
10 *appropriations for the Afghanistan Security Forces Fund*
11 *in section 1511(12) shall be subject to the conditions con-*
12 *tained in subsections (b) through (g) of section 1513 of the*
13 *National Defense Authorization Act for Fiscal Year 2008*
14 *(Public Law 110–181; 122 Stat. 428).*

15 **SEC. 1513. LIMITATIONS ON IRAQ SECURITY FORCES FUND.**

16 (a) *APPLICATION OF EXISTING LIMITATIONS.*—*Subject*
17 *to subsection (b), funds made available to the Department*
18 *of Defense for the Iraq Security Forces Fund for fiscal year*
19 *2011 shall be subject to the conditions contained in sub-*
20 *sections (b) through (g) of section 1512 of the National De-*
21 *fense Authorization Act for Fiscal Year 2008 (Public Law*
22 *110–181; 122 Stat. 426).*

23 (b) *COST-SHARE REQUIREMENT.*—

24 (1) *REQUIREMENT.*—*If funds made available to*
25 *the Department of Defense for the Iraq Security*

1 *Forces Fund for fiscal year 2011 are used for the pur-*
2 *chase of any item or service for Iraq Security Forces,*
3 *the funds may not cover more than 80 percent of the*
4 *cost of the item or service.*

5 (2) *EXCEPTION.—Paragraph (1) does not apply*
6 *to any item that the Secretary of Defense deter-*
7 *mines—*

8 (A) *is an item of significant military*
9 *equipment (as such term is defined in section*
10 *47(9) of the Arms Export Control Act (22 U.S.C.*
11 *2794(9)); or*

12 (B) *is included on the United States Muni-*
13 *tions List, as designated pursuant to section*
14 *38(a)(1) of the Arms Export Control Act (22*
15 *U.S.C. 2778(a)(1)).*

16 **SEC. 1514. MILITARY PERSONNEL.**

17 *Funds are hereby authorized to be appropriated for fis-*
18 *cal year 2011 to the Department of Defense for military*
19 *personnel accounts in the total amount of \$15,275,502,000.*

20 **SEC. 1515. WORKING CAPITAL FUNDS.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 2011 for the use of the Armed Forces and other*
23 *activities and agencies of the Department of Defense for*
24 *providing capital for working capital and revolving funds*
25 *in the amount of \$485,384,000.*

1 **SEC. 1516. DEFENSE HEALTH PROGRAM.**

2 *Funds are hereby authorized to be appropriated for the*
3 *Department of Defense for fiscal year 2011 for expenses, not*
4 *otherwise provided for, for the Defense Health Program in*
5 *the amount of \$1,398,092,000 for operation and mainte-*
6 *nance.*

7 **SEC. 1517. DRUG INTERDICTION AND COUNTER-DRUG AC-**
8 **TIVITIES, DEFENSE-WIDE.**

9 *Funds are hereby authorized to be appropriated for the*
10 *Department of Defense for fiscal year 2011 for expenses, not*
11 *otherwise provided for, for Drug Interdiction and Counter-*
12 *Drug Activities, Defense-wide in the amount of*
13 *\$457,110,000.*

14 **SEC. 1518. DEFENSE INSPECTOR GENERAL.**

15 *Funds are hereby authorized to be appropriated for the*
16 *Department of Defense for fiscal year 2011 for expenses, not*
17 *otherwise provided for, for the Office of the Inspector Gen-*
18 *eral of the Department of Defense in the amount of*
19 *\$10,529,000.*

20 **SEC. 1519. CONTINUATION OF PROHIBITION ON USE OF**
21 **UNITED STATES FUNDS FOR CERTAIN FACILI-**
22 **TIES PROJECTS IN IRAQ.**

23 *Section 1508(a) of the Duncan Hunter National De-*
24 *fense Authorization Act for Fiscal Year 2009 (Public Law*
25 *110–417; 122 Stat. 4651) shall apply to funds authorized*
26 *to be appropriated by this title.*

1 **SEC. 1520. AVAILABILITY OF FUNDS FOR RAPID FORCE PRO-**
2 **TECTION IN AFGHANISTAN.**

3 (a) *AVAILABILITY OF FUNDS.*—Of the funds authorized
4 to be appropriated by section 1511(5) for operation and
5 maintenance for Defense-wide activities, the Secretary of
6 Defense may obligate up to \$200,000,000 during fiscal year
7 2011 to address urgent force protection requirements facing
8 United States military forces in Afghanistan, as identified
9 by the Commander of United States Forces–Afghanistan.

10 (b) *USE OF RAPID ACQUISITION AUTHORITY.*—To
11 carry out this section, the Secretary of Defense shall utilize
12 the rapid acquisition authority available to the Secretary.

13 (c) *USE OF TRANSFER AUTHORITY.*—To carry out this
14 section, the Secretary of Defense may utilize the transfer
15 authority provided by section 1522, subject to the limitation
16 in subsection (a)(2) of such section on the total amount of
17 authorizations that may be transferred.

18 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

19 *The amounts authorized to be appropriated by this*
20 *title are in addition to amounts otherwise authorized to be*
21 *appropriated by this Act.*

22 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

23 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

24 (1) *AUTHORITY.*—Upon determination by the
25 Secretary of Defense that such action is necessary in
26 the national interest, the Secretary may transfer

1 *amounts of authorizations made available to the De-*
2 *partment of Defense in this title for fiscal year 2011*
3 *between any such authorizations for that fiscal year*
4 *(or any subdivisions thereof). Amounts of authoriza-*
5 *tions so transferred shall be merged with and be*
6 *available for the same purposes as the authorization*
7 *to which transferred.*

8 (2) *LIMITATION.—The total amount of author-*
9 *izations that the Secretary may transfer under the*
10 *authority of this section may not exceed*
11 *\$3,500,000,000.*

12 (b) *TERMS AND CONDITIONS.—Transfers under this*
13 *section shall be subject to the same terms and conditions*
14 *as transfers under section 1001.*

15 (c) *ADDITIONAL AUTHORITY.—The transfer authority*
16 *provided by this section is in addition to the transfer au-*
17 *thority provided under section 1001.*

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 assault*
10 *prevention and response program” refers to Department of*
11 *Defense policies and programs, including policies and pro-*
12 *grams of a specific military department or Armed Force,*
13 *that are intended to reduce the number of sexual assaults*
14 *involving members of the Armed Forces and improve the*
15 *response of the department to reports of sexual assaults in-*
16 *volving members of the Armed Forces, whether members of*
17 *the Armed Forces are the victim, alleged assailant, or both.*

18 (b) *OTHER DEFINITIONS.*—*In this title:*

19 (1) *The term “Armed Forces” means the Army,*
20 *Navy, Air Force, and Marine Corps.*

21 (2) *The term “department” has the meaning*
22 *given that term in section 101(a)(6) of title 10,*
23 *United States Code.*

24 (3) *The term “military installation” has the*
25 *meaning given that term by the Secretary concerned.*

1 (4) *The term “Secretary concerned” means—*

2 (A) *the Secretary of the Army, with respect*
3 *to matters concerning the Army;*

4 (B) *the Secretary of the Navy, with respect*
5 *to matters concerning the Navy and the Marine*
6 *Corps; and*

7 (C) *the Secretary of the Air Force, with re-*
8 *spect to matters concerning the Air Force.*

9 ***Subtitle A—Immediate Actions to***
10 ***Improve Department of Defense***
11 ***Sexual Assault Prevention and***
12 ***Response Program***

13 ***SEC. 1611. SPECIFIC BUDGETING FOR DEPARTMENT OF DE-***
14 ***FENSE SEXUAL ASSAULT PREVENTION AND***
15 ***RESPONSE PROGRAM.***

16 *Effective with the Program Objective Memorandum to*
17 *be issued for fiscal year 2012 and thereafter and containing*
18 *recommended programming and resource allocations for the*
19 *Department of Defense, the Secretary of Defense shall spe-*
20 *cifically address the Department of Defense sexual assault*
21 *prevention and response program to ensure that a separate*
22 *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 de-
7 scriptions, 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 enactment
18 of this Act, the Secretary of each military department shall
19 issue guidance to all military unit commanders that imple-
20 mentation of the Department of Defense sexual assault pre-
21 vention and response program requires their leadership and
22 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 of

1 *an alleged sexual assault or other offense covered by section*
2 *920 of title 10, United States Code (article 120), the com-*
3 *manding officer shall offer to meet with the victim of the*
4 *offense to determine the opinion of the victim regarding case*
5 *disposition and provide that information to the convening*
6 *authority.*

7 **SEC. 1615. OVERSIGHT AND EVALUATION.**

8 *Not later than one year after the date of the enactment*
9 *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 preven-*
12 *tion and response program of each Armed Force in*
13 *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, wheth-*
17 *er members of the Armed Forces are the victim, al-*
18 *leged 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 facili-*
25 *tate 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 vic-*
3 *tim of a sexual assault; or*

4 (2) *by any other person who is a victim of a sex-*
5 *ual assault involving a member of the Armed Forces.*

6 (b) *PROMPT RESPONSE.*—*The Secretary of Defense*
7 *shall ensure that a Sexual Assault Response Coordinator*
8 *serving in the locality of the victim promptly responds to*
9 *the reporting of a sexual assault using the hotline. The Sec-*
10 *retary of Defense shall define appropriate localities for pur-*
11 *poses of this subsection.*

12 **SEC. 1617. REVIEW OF APPLICATION OF SEXUAL ASSAULT**
13 **PREVENTION AND RESPONSE PROGRAM TO**
14 **RESERVE COMPONENTS.**

15 (a) *REPORT REQUIRED.*—*Not later than one year*
16 *after the date of the enactment of this Act, the Secretary*
17 *of Defense shall submit to the congressional defense commit-*
18 *tees a report on the application of the sexual assault preven-*
19 *tion and response program for the reserve components.*

20 (b) *CONTENTS.*—*The report required by subsection (a)*
21 *shall include, at a minimum, the following:*

22 (1) *The ability of members of the reserve compo-*
23 *nents to access the services available under the sexual*
24 *assault prevention and response program, including*

1 *policies and programs of a specific military depart-*
2 *ment or Armed Force.*

3 (2) *The quality of training provided to Sexual*
4 *Assault Response Coordinators and Sexual Assault*
5 *Victim Advocates in the reserve components.*

6 (3) *The degree to which the services available for*
7 *regular and reserve members under the sexual assault*
8 *prevention and response program are integrated.*

9 (4) *Such recommendations as the Secretary of*
10 *Defense considers appropriate on how to improve the*
11 *services available for reserve members under the sex-*
12 *ual assault prevention and response program and*
13 *their access to the services.*

14 **SEC. 1618. REVIEW OF EFFECTIVENESS OF REVISED UNI-**
15 **FORM CODE OF MILITARY JUSTICE OFFENSES**
16 **REGARDING RAPE, SEXUAL ASSAULT, AND**
17 **OTHER SEXUAL MISCONDUCT.**

18 (a) *REVIEW REQUIRED.*—*The Secretary of Defense*
19 *shall conduct a review of the effectiveness of section 920 of*
20 *title 10, United States Code (article 120 of the Uniform*
21 *Code of Military Justice), as amended by section 552 of*
22 *the National Defense Authorization Act for Fiscal Year*
23 *2006 (Public Law 109–163; 119 Stat. 3256). The Secretary*
24 *shall use a panel of military justice experts to conduct the*
25 *review.*

1 (b) *SUBMISSION OF RESULTS.*—Not later than one
2 year after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit the results of the review to
4 the congressional defense committees.

5 **SEC. 1619. TRAINING AND EDUCATION PROGRAMS FOR SEX-**
6 **UAL ASSAULT PREVENTION AND RESPONSE**
7 **PROGRAM.**

8 (a) *SEXUAL ASSAULT PREVENTION AND RESPONSE*
9 *TRAINING AND EDUCATION.*—

10 (1) *DEVELOPMENT OF CURRICULA.*—Not later
11 than one year after the date of the enactment of this
12 Act, the Secretary of each military department shall
13 develop curricula to provide sexual assault prevention
14 and response training and education for members of
15 the Armed Forces under the jurisdiction of the Sec-
16 retary and civilian employees of the military depart-
17 ment to strengthen individual knowledge, skills, and
18 capacity to prevent and respond to sexual assault.

19 (2) *SCOPE OF TRAINING AND EDUCATION.*—The
20 sexual assault prevention and response training and
21 education shall encompass initial entry and accession
22 programs, annual refresher training, professional
23 military education, peer education, and specialized
24 leadership training. Training shall be tailored for
25 specific leadership levels and local area requirements.

1 (3) *CONSISTENT TRAINING.*—*The Secretary of*
2 *Defense shall ensure that the sexual assault prevention*
3 *and response training provided to members of the*
4 *Armed Forces and Department of Defense civilian*
5 *employees is consistent throughout the military de-*
6 *partments.*

7 (b) *INCLUSION IN PROFESSIONAL MILITARY EDU-*
8 *CATION.*—*The Secretary of Defense shall provide for the in-*
9 *clusion of a sexual assault prevention and response training*
10 *module at each level of professional military education. The*
11 *training shall be tailored to the new responsibilities and*
12 *leadership requirements of members of the Armed Forces as*
13 *they are promoted.*

14 (c) *INCLUSION IN FIRST RESPONDER TRAINING.*—

15 (1) *IN GENERAL.*—*The Secretary of Defense shall*
16 *direct that managers of specialty skills associated*
17 *with first responders described in paragraph (2) inte-*
18 *grate sexual assault response training in initial and*
19 *recurring training courses.*

20 (2) *COVERED FIRST RESPONDERS.*—*First re-*
21 *sponders referred to in paragraph (1) include fire-*
22 *fighters, emergency medical technicians, law enforce-*
23 *ment officers, military criminal investigators,*
24 *healthcare personnel, judge advocates, and chaplains.*

1 **SEC. 1620. USE OF SEXUAL ASSAULT FORENSIC MEDICAL**
2 **EXAMINERS.**

3 *Not later than two years after the date of the enact-*
4 *ment of this Act, the Secretary of Defense shall provide for*
5 *the use of forensic medical examiners within the Depart-*
6 *ment of Defense who are specially trained regarding the col-*
7 *lection and preservation of evidence in cases involving sex-*
8 *ual assault.*

9 **SEC. 1621. SEXUAL ASSAULT ADVISORY BOARD.**

10 *(a) ESTABLISHMENT.—Not later than one year after*
11 *the date of the enactment of this Act, the Secretary of De-*
12 *fense shall establish a Sexual Assault Advisory Board, to*
13 *be modeled after other Defense advisory boards, such as the*
14 *Defense Business Board, the Defense Policy Board, or the*
15 *Defense Science Board.*

16 *(b) PURPOSE.—The purpose of the Sexual Assault Ad-*
17 *visory Board is—*

18 *(1) to advise the Secretary of Defense on the*
19 *overall Department of Defense sexual assault preven-*
20 *tion and response program and its comprehensive*
21 *prevention strategy and on the effectiveness of the sex-*
22 *ual assault prevention and response program of each*
23 *Armed Force; and*

24 *(2) to make recommendations regarding changes*
25 *and improvements to the sexual assault prevention*
26 *and response program.*

1 (c) *RELATION TO SEXUAL ASSAULT PREVENTION AND*
2 *RESPONSE OFFICE.*—*The Sexual Assault Advisory Board*
3 *is not intended to replace the organic capabilities that must*
4 *reside in the Sexual Assault Prevention and Response Of-*
5 *fice, but to ensure that best practices from both the civilian*
6 *and military community perspective are incorporated into*
7 *the design, development, and performance of the sexual as-*
8 *sault prevention and response program*

9 (d) *ORGANIZATION AND MEMBERSHIP.*—*The Sexual*
10 *Assault Advisory Board shall be chaired by the Undersecre-*
11 *tary of Defense for Personnel and Readiness. The Sexual*
12 *Assault Advisory Board shall include experts on criminal*
13 *law and sexual assault prevention, response, and training*
14 *who are not members of the Armed Forces or civilian em-*
15 *ployees of the Department of Defense and include represent-*
16 *atives from other Federal agencies.*

17 (e) *FREQUENCY OF MEETINGS.*—*The Sexual Assault*
18 *Advisory Board shall meet not less frequently than bian-*
19 *nually.*

20 **SEC. 1622. DEPARTMENT OF DEFENSE SEXUAL ASSAULT AD-**
21 **VISORY COUNCIL.**

22 (a) *REORGANIZATION.*—*Not later than one year after*
23 *the date of the enactment of this Act, the Secretary of De-*
24 *fense shall reorganize the Sexual Assault Advisory Council*

1 *and limit membership on the Sexual Assault Advisory*
2 *Council to Department of Defense personnel.*

3 (b) *PURPOSE.*—*The purpose of the Sexual Assault Ad-*
4 *visory Council is—*

5 (1) *to oversee the Department's overall sexual as-*
6 *sault prevention and response Program and its com-*
7 *prehensive prevention strategy;*

8 (2) *to ensure accountability of the sexual assault*
9 *prevention and response program of each Armed*
10 *Force;*

11 (3) *to make recommendations regarding changes*
12 *and improvements to the sexual assault prevention*
13 *and response program; and*

14 (4) *to identify cross-cutting issues and solutions*
15 *in the area of sexual assault.*

16 (c) *ORGANIZATION AND MEMBERSHIP.*—*The Sexual*
17 *Assault Advisory Council shall be chaired by the Deputy*
18 *Secretary of Defense or the designee of the Deputy Sec-*
19 *retary. Members shall include, at a minimum, the fol-*
20 *lowing:*

21 (1) *Principals or deputies from every office with-*
22 *in the Office of the Secretary of Defense with respon-*
23 *sibilities involving the sexual assault prevention and*
24 *response program.*

1 (2) *The Assistant Secretary of each of the mili-*
2 *tary departments with responsibility for the sexual*
3 *assault prevention and response program.*

4 (3) *The Vice Chief of Staff of the Army, the Vice*
5 *Chief of Naval Operations, the Vice Chief of Staff of*
6 *the Air Force, and the Assistant Commandant of the*
7 *Marine Corps.*

8 (4) *A general or flag officer from the staff of each*
9 *officer specified in paragraph (3) who has responsi-*
10 *bility for the sexual assault prevention and response*
11 *program.*

12 (5) *A general officer from the National Guard*
13 *Bureau.*

14 (d) *FREQUENCY OF MEETINGS.—The Sexual Assault*
15 *Advisory Council shall meet not less frequently than once*
16 *each calendar-year quarter.*

17 (e) *SERVICE-LEVEL SEXUAL ASSAULT ADVISORY*
18 *COUNCILS.—The Secretary of a military department shall*
19 *establish a sexual assault advisory council, comparable to*
20 *the Sexual Assault Advisory Council required by subsection*
21 *(a), for each Armed Force under the jurisdiction of the Sec-*
22 *retary.*

1 **SEC. 1623. SERVICE-LEVEL SEXUAL ASSAULT REVIEW**
2 **BOARDS.**

3 (a) *ESTABLISHMENT.*—Not later than one year after
4 the date of the enactment of this Act, the Secretary of a
5 military department shall establish for each military instal-
6 lation or operational command under the jurisdiction of the
7 Secretary a multi-disciplinary group to serve as a sexual
8 assault review board.

9 (b) *MEMBERSHIP.*—The chair of a sexual assault re-
10 view board shall be the senior commander, senior deputy
11 commander, or chief of staff. Other members should include
12 the Sexual Assault Response Coordinator, command legal
13 representative or staff judge advocate, command chaplain,
14 and representation of senior commanders or supervisors
15 from the Military Criminal Investigative Organizations,
16 military law enforcement, medical, alcohol and substance
17 abuse office, and the safety office.

18 (c) *RESPONSIBILITIES.*—A sexual assault review board
19 shall be responsible for, at a minimum, addressing safety
20 issues, developing prevention strategies, analyzing response
21 processes, community impact and overall trends, and iden-
22 tifying training issues. These functions should be flexible
23 to accommodate the resources available at different installa-
24 tions and operational commands.

1 (d) *FREQUENCY OF MEETINGS.*—A sexual assault re-
2 view board shall meet not less frequently than once each
3 calendar-year quarter.

4 **SEC. 1624. RENEWED EMPHASIS ON ACQUISITION OF CEN-**
5 **TRALIZED DEPARTMENT OF DEFENSE SEX-**
6 **UAL ASSAULT DATABASE.**

7 (a) *NEW DEADLINE FOR ACQUISITION.*—Notwith-
8 standing subsection (c) of section 563 of the Duncan Hunter
9 National Defense Authorization Act for Fiscal Year 2009
10 (Public Law 110–417; 122 Stat. 4470), the Secretary of De-
11 fense shall complete implementation of the centralized sex-
12 ual assault database required by subsection (a) of such sec-
13 tion not later than September 30, 2011.

14 (b) *ACQUISITION PROCESS.*—To meet the deadline im-
15 posed by subsection (a), acquisition best practices associated
16 with successfully acquiring and deploying information tech-
17 nology systems related to the database, such as economically
18 justifying the proposed system solution and effectively devel-
19 oping and managing requirements, shall be completed as
20 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 commit-
9 tees a comprehensive strategy to reduce the number of sexual
10 assaults involving members of the Armed Forces, whether
11 members of the Armed Forces are the victim, alleged assail-
12 ant, or both. All activities and programs of a specific mili-
13 tary department or Armed Force related to preventing sex-
14 ual assault must align with and support the overall com-
15 prehensive 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 (Public*
25 *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 Author-*
3 *ization Act for Fiscal Year 2010 (Public Law 111-*
4 *84; 123 Stat. 2313).*

5 (c) *IMPLEMENTATION OF STRATEGY.—Not later than*
6 *six months after the submission of the comprehensive strat-*
7 *egy prepared under subsection (a), the Secretary of Defense*
8 *shall complete implementation of the comprehensive strat-*
9 *egy throughout the Department of Defense.*

10 (d) *SEXUAL ASSAULT PREVENTION EVALUATION*
11 *PLAN.—*

12 (1) *PLAN REQUIRED.—The Secretary of Defense*
13 *shall develop and implement an evaluation plan for*
14 *assessing the effectiveness of the comprehensive strat-*
15 *egy prepared under subsection (a) its intended out-*
16 *comes at the Department of Defense and individual*
17 *Armed Force levels.*

18 (2) *COMMANDER ROLE.—As a component of the*
19 *evaluation plan, the commander of each military in-*
20 *stallation and the commander of each unified or spec-*
21 *ified combatant command shall assess the adequacy of*
22 *measures undertaken at facilities under the authority*
23 *of the commander to ensure the safest and most secure*
24 *living and working environments with regard to pre-*
25 *venting sexual assault.*

1 (3) *SUBMISSION OF RESULTS.*—*The results of as-*
2 *sessments conducted under the evaluation plan shall*
3 *be included in the annual report required by section*
4 *1632, beginning with the report required to be sub-*
5 *mitted 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 of*
14 *the Armed Forces under the jurisdiction of that Secretary*
15 *during the preceding year. In the case of the Secretary of*
16 *the Navy, separate reports shall be prepared for the Navy*
17 *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 by*
24 *the report, and the number of the cases so reported*
25 *that were founded.*

1 (2) *The number of sexual assaults committed by*
2 *members of the Armed Force that were reported to*
3 *military officials during the year covered by the re-*
4 *port, and the number of the cases so reported that*
5 *were founded. The information required by this para-*
6 *graph shall not be combined with the information re-*
7 *quired by paragraph (1).*

8 (3) *A synopsis of each such founded case, orga-*
9 *nized by offense, and, for each such case, the discipli-*
10 *nary action taken in the case, including the type of*
11 *disciplinary or administrative sanction imposed, if*
12 *any.*

13 (4) *The policies, procedures, and processes imple-*
14 *mented by the Secretary concerned during the year*
15 *covered by the report in response to incidents of sex-*
16 *ual assault involving members of the Armed Force*
17 *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 national,*
21 *and the policies, procedures, and processes imple-*
22 *mented by the Secretary concerned to monitor the in-*
23 *vestigative process and disposition of such cases and*
24 *to eliminate any gaps in investigating and adjudi-*
25 *cating such cases.*

1 (6) *A description of the implementation during*
2 *the year covered by the report of the tracking system*
3 *implemented pursuant to section 596(a) of the Na-*
4 *tional Defense Authorization Act for Fiscal Year 2006*
5 *(Public Law 109–163; 10 U.S.C. 113 note), including*
6 *information collected on cases during that year in*
7 *which care to a victim of rape or sexual assault was*
8 *hindered by the lack of availability of a rape kit or*
9 *other needed supplies or by the lack of timely access*
10 *to appropriate laboratory testing resources.*

11 (7) *A description of the implementation during*
12 *the year covered by the report of the accessibility plan*
13 *implemented pursuant to section 596(b) of such Act,*
14 *including a description of the steps taken during that*
15 *year to provide that trained personnel, appropriate*
16 *supplies, and transportation resources are accessible*
17 *to deployed units in order to provide an appropriate*
18 *and timely response in any case of reported sexual as-*
19 *sault in a deployed unit.*

20 (8) *A description of the required supply inven-*
21 *tory, location, accessibility, and availability of sup-*
22 *plies, trained personnel, and transportation resources*
23 *needed, and in fact in place, in order to be able to*
24 *provide an appropriate and timely response in any*
25 *case of reported sexual assault in a deployed unit.*

1 (9) *A plan for the actions that are to be taken*
2 *in the year following the year covered by such report*
3 *on reducing the number of sexual assaults involving*
4 *members of the Armed Forces concerned and improv-*
5 *ing the response to sexual assaults involving members*
6 *of the Armed Forces concerned.*

7 (10) *The results of the most recent biennial gen-*
8 *der-relations survey of an adequate sample of mem-*
9 *bers to evaluate and improve the sexual assault pre-*
10 *vention and response program.*

11 (c) *VERIFICATION.—The Office of the Judge Advocate*
12 *General of an Armed Force (or, in the case of the Marine*
13 *Corps, the Office of the Staff Judge Advocate to the Com-*
14 *mandant of the Marine Corps) shall verify the accuracy of*
15 *the information required by paragraphs (1), (2), (3), and*
16 *(5) of subsection (b), including courts-martial data.*

17 (d) *CONSISTENT DEFINITION OF FOUNDED.—Not later*
18 *than one year after the date of the enactment of this Act,*
19 *the Secretary of Defense shall establish a consistent defini-*
20 *tion of “founded” for purposes of paragraphs (1), (2), (3),*
21 *and (5) of subsection (b) and require that military criminal*
22 *investigative organizations only provide synopses for those*
23 *cases for the preparation of reports under this section.*

24 (e) *ASSESSMENT COMPONENT.—Each report under*
25 *subsection (a) shall include an assessment by the Secretary*

1 *concerned of the implementation during the preceding fiscal*
2 *year of the sexual assault prevention and response program*
3 *in order to determine the effectiveness of the program dur-*
4 *ing such fiscal year in providing an appropriate response*
5 *to sexual assaults involving members of the Armed Forces.*

6 (f) *SUBMISSION TO CONGRESS.*—*The Secretary of De-*
7 *fense shall submit to the Committees on Armed Services of*
8 *the Senate and House of Representatives each report pre-*
9 *pared under subsection (a), together with the comments of*
10 *the Secretary of Defense on the report. The Secretary of De-*
11 *fense shall submit each such report not later than March*
12 *15 of the year following the year covered by the report.*

13 (g) *REPEAL OF SUPERSEDED REPORTING REQUIRE-*
14 *MENT.*—*Section 577 of the Ronald W. Reagan National De-*
15 *fense Authorization Act for Fiscal Year 2005 (Public Law*
16 *108–375; 10 U.S.C. 113 note) is amended by striking sub-*
17 *section (f).*

18 ***Subtitle C—Amendments to Title 10***

19 ***SEC. 1641. SEXUAL ASSAULT PREVENTION AND RESPONSE*** 20 ***OFFICE.***

21 (a) *APPOINTMENT OF DIRECTOR; DUTIES.*—*Chapter 4*
22 *of title 10, United States Code, as amended by section 902,*
23 *is amended by inserting after section 139 the following new*
24 *section:*

1 **“§ 139a. Director of Sexual Assault Prevention and**
2 **Response Office**

3 “(a) *APPOINTMENT.*—*There is a Director of the Sexual*
4 *Assault Prevention and Response Office who shall be a gen-*
5 *eral or flag officer or an employee of the Department of*
6 *Defense in a comparable Senior Executive Service position.*

7 “(b) *DUTIES.*—*The Director of the Sexual Assault Pre-*
8 *vention and Response Office serves as the single point of*
9 *authority, accountability, and oversight for the Department*
10 *of Defense sexual assault prevention and response program*
11 *and provides oversight to ensure that the military depart-*
12 *ments comply with the program.*

13 “(c) *ROLE OF INSPECTORS GENERAL.*—*The Inspector*
14 *General of the Department of Defense, the Inspector General*
15 *of the Army, the Naval Inspector General, and the Inspector*
16 *General of the Air Force shall include sexual assault preven-*
17 *tion and response programs within the scope of their assess-*
18 *ments. The Inspector General teams shall include at least*
19 *one member with expertise and knowledge of sexual assault*
20 *prevention and response policies related to a specific armed*
21 *force.*

22 “(d) *DEFINITIONS.*—*In this section:*

23 “(1) *The term ‘armed forces’ means the Army,*
24 *Navy, Air Force, and Marine Corps.*

25 “(2) *The term ‘sexual assault prevention and re-*
26 *sponse program’ refers to Department of Defense poli-*

1 *or needs of the unit. The additional Sexual Assault Re-*
2 *sponse Coordinator may serve on a full-time or part-time*
3 *basis at the discretion of the Secretary.*

4 “(2) *Effective October 1, 2013, only members of the*
5 *armed forces and civilian employees of the Department of*
6 *Defense may be assigned to duty as a Sexual Assault Re-*
7 *sponse Coordinator. After that date, contractor employees*
8 *may serve as a Sexual Assault Response Coordinator only*
9 *on a temporary basis, as determined by the Secretary of*
10 *Defense.*

11 “(b) *ASSIGNMENT OF VICTIM ADVOCATES.—(1) At*
12 *least one full-time Sexual Assault Victim Advocate shall be*
13 *assigned to each brigade or equivalent or higher unit level*
14 *of the armed forces. The Secretary of the military depart-*
15 *ment concerned may assign additional Victim Advocates as*
16 *necessary based on the demographics or needs of the unit.*
17 *The additional Victim Advocates may serve on a full-time*
18 *or part-time basis at the discretion of the Secretary.*

19 “(2) *Only members of the armed forces and civilian*
20 *employees of the Department of Defense may be assigned*
21 *to duty as a Victim Advocate. Contractor employees may*
22 *serve as a Victim Advocate only on a temporary basis, as*
23 *determined by the Secretary of Defense.*

24 “(c) *DEPLOYABLE COORDINATORS AND VICTIM ADVO-*
25 *CATES.—(1) The Secretary of a military department shall*

1 *assign members of the armed forces under the jurisdiction*
2 *of the Secretary to serve as a deployable Sexual Assault Re-*
3 *sponse Coordinator or Sexual Assault Victim Advocate*
4 *when a Sexual Assault Response Coordinator assigned to*
5 *a unit under subsection (a) or a Sexual Assault Victim Ad-*
6 *vocate assigned to a unit under subsection (b) is not de-*
7 *ployed with the unit.*

8 “(2) *A deployable Sexual Assault Response Coordi-*
9 *nator or deployable Sexual Assault Victim Advocate may*
10 *serve on a full-time or part-time basis at the discretion of*
11 *the Secretary.*

12 “(d) *TRAINING AND CERTIFICATION.—(1) As part of*
13 *the sexual assault prevention and response program, the*
14 *Secretary of Defense shall establish a professional and uni-*
15 *form training and certification program for Sexual Assault*
16 *Response Coordinators assigned under subsection (a) and*
17 *Sexual Assault Victim Advocates assigned under subsection*
18 *(b). The program shall be structured and administered in*
19 *a manner similar to the professional training available for*
20 *Equal Opportunity Advisors through the Defense Equal Op-*
21 *portunity Management Institute.*

22 “(2) *Effective beginning one year after the date of the*
23 *enactment of this section, before a member or civilian em-*
24 *ployee may be assigned to duty as a Sexual Assault Re-*
25 *sponse Coordinator under subsection (a), the member or em-*

1 *ployee must have completed the training program required*
2 *by paragraph (1) and obtained the certification.*

3 “(3) *A member or civilian employee assigned to duty*
4 *as a Victim Advocate under subsection (b) may obtain cer-*
5 *tification under the training program required by para-*
6 *graph (1). At a minimum, the Sexual Assault Response Co-*
7 *ordinator to whom a Victim Advocate reports shall train*
8 *the Victim Advocate using the same training materials used*
9 *to train the Sexual Assault Response Coordinator under the*
10 *program.*

11 “(4) *Deployable Sexual Assault Response Coordinators*
12 *and deployable Sexual Assault Victim Advocates shall re-*
13 *ceive training from a designated Sexual Assault Response*
14 *Coordinator or Sexual Assault Victim Advocate on their*
15 *specific roles and responsibilities before assuming such re-*
16 *sponsibilities.*

17 “(e) *ACCESS TO COMMANDERS AND UNITS.—(1) The*
18 *Secretaries of the military departments shall ensure that*
19 *a Sexual Assault Response Coordinator, including a*
20 *deployable Sexual Assault Response Coordinator assigned*
21 *under subsection (c), has direct access to senior commanders*
22 *and any other commander within the unit or geographical*
23 *area of responsibility of the Sexual Assault Response Coor-*
24 *dinator.*

1 “(2) *A Sexual Assault Response Coordinator may work*
2 *with supporting medical staff, mental health staff, and*
3 *chaplains to offer unit counseling options for commanders*
4 *of units in which a sexual assault involving a member of*
5 *the armed forces occurs.*

6 “(f) *SEXUAL ASSAULT RESPONSE TEAMS RESPON-*
7 *SIBLE FOR OVERSEEING UNRESTRICTED REPORTED*
8 *CASES.—*

9 “(1) *RESPONSE TEAM PROTOCOL.—Not later*
10 *than one year after the date of the enactment of this*
11 *section, the Secretary of Defense shall develop and im-*
12 *plement a protocol for the establishment and use of*
13 *sexual assault response teams throughout the Depart-*
14 *ment of Defense.*

15 “(2) *EMERGENCY RESPONSE.—A sexual assault*
16 *response team shall be led by a Sexual Assault Re-*
17 *sponse Coordinator and convene as soon as prac-*
18 *ticable after a reported sexual assault involving a*
19 *member of the armed forces.*

20 “(3) *OTHER ELEMENTS.—At a minimum, the*
21 *protocol for sexual assault response teams shall also*
22 *provide for—*

23 “(A) *in addition to meetings required by*
24 *paragraph (2), monthly meetings to review indi-*
25 *vidual cases, facilitate timely victim updates,*

1 *and ensure system coordination, accountability*
2 *(to include tracking case adjudication), and vic-*
3 *tim access to quality services; and*

4 *“(B) depending on the resources available*
5 *at different locations, membership drawn from*
6 *the relevant military criminal investigator, med-*
7 *ical personnel, chaplain, trial counsel, and Sex-*
8 *ual Assault Victim Advocate.*

9 *“(4) COMMAND INVOLVEMENT.—Within the first*
10 *three months of assuming a command, the com-*
11 *mander shall attend a meeting of their command’s*
12 *sexual assault response team occurring after the com-*
13 *mander’s assumption of command. The Secretary of*
14 *Defense shall provide for the inclusion of a sexual as-*
15 *sault prevention and response training module as*
16 *part of commanders pre-command courses.*

17 *“(g) PROHIBITION ON USE OF INSPECTOR GENERAL*
18 *PERSONNEL.—Personnel of the Inspector General of the De-*
19 *partment of Defense, the Inspector General of the Army, the*
20 *Naval Inspector General, and the Inspector General of the*
21 *Air Force may not perform Sexual Assault Response Coor-*
22 *dinator duties.*

23 *“(h) DEFINITIONS.—In this section:*

24 *“(1) The term ‘armed forces’ means the Army,*
25 *Navy, Air Force, and Marine Corps.*

1 “(1) *MEMBERS.*—*A member of the armed forces*
2 *or a dependent of a member of the armed forces who*
3 *is the victim of a sexual assault is entitled to—*

4 “(A) *legal assistance provided by a military*
5 *legal assistance counsel certified as competent to*
6 *provide such duties pursuant to section 827(b) of*
7 *this title (article 27(b) of the Uniform Code of*
8 *Military Justice); and*

9 “(B) *assistance provided by a qualified Sex-*
10 *ual Assault Victim Advocate.*

11 “(2) *DEPENDENTS.*—*To the extent practicable,*
12 *the Secretary of a military department shall make the*
13 *assistance described in paragraph (1) available to de-*
14 *pendent of a member of the armed forces who is the*
15 *victim of a sexual assault and resides on or in the vi-*
16 *cinity of a military installation. The Secretary con-*
17 *cerned shall define the term ‘vicinity’ for purposes of*
18 *this paragraph.*

19 “(3) *NOTICE OF AVAILABILITY OF ASSISTANCE;*
20 *OPT OUT.*—*The member or dependent shall be in-*
21 *formed of the availability of assistance under this*
22 *subsection as soon as the member or dependent seeks*
23 *assistance from a Sexual Assault Response Coordi-*
24 *nator or any other responsible member of the armed*
25 *forces or Department of Defense civilian employee.*

1 *The victim shall also be informed that the legal assist-*
2 *ance and services of a Sexual Assault Response Coord-*
3 *inator and Sexual Assault Victim Advocate are op-*
4 *tional and these services may be declined, in whole or*
5 *in part, at any time.*

6 *“(4) NATURE OF REPORTING IMMATERIAL.—In*
7 *the case of a member of the armed forces, access to*
8 *legal assistance and Victim Advocate services is avail-*
9 *able regardless of whether the member elects unre-*
10 *stricted or restricted (confidential) reporting of the*
11 *sexual assault.*

12 *“(5) RULE OF CONSTRUCTION.—Nothing in this*
13 *subsection shall be construed to establish an attorney-*
14 *client relationship.*

15 *“(b) RESTRICTED REPORTING OPTION.—*

16 *“(1) AVAILABILITY OF RESTRICTED REPORT-*
17 *ING.—A member of the armed forces who is the victim*
18 *of a sexual assault may confidentially disclose the de-*
19 *tails of the assault to an individual specified in para-*
20 *graph (2) and receive medical treatment, legal assist-*
21 *ance, or counseling, without triggering an official in-*
22 *vestigation of the allegations.*

23 *“(2) PERSONS COVERED BY RESTRICTED RE-*
24 *PORTING.—Individuals covered by paragraph (1) are*
25 *the following:*

1 “(A) *Military legal assistance counsel.*

2 “(B) *Sexual Assault Response Coordinator.*

3 “(C) *Sexual Assault Victim Advocate.*

4 “(D) *Healthcare personnel.*

5 “(E) *Chaplain.*

6 “(3) *IMPORTANCE OF CONTACTING SEXUAL AS-*
7 *SAULT RESPONSE COORDINATOR.—The Secretary of*
8 *Defense shall ensure that all sexual assault prevention*
9 *and response training emphasizes the importance of*
10 *immediately contacting a Sexual Assault Response*
11 *Coordinator after a sexual assault to ensure that the*
12 *victim preserves the restricted reporting option and*
13 *receives guidance on available services and victim*
14 *care. A member’s responsibility to report a sexual as-*
15 *sault is satisfied by informing the Sexual Assault Re-*
16 *sponse Coordinator, in addition to or in lieu of in-*
17 *forming the member’s commander or military law en-*
18 *forcement.*

19 “(c) *CLARIFICATION OF VICTIM OPTION TO PARTICI-*
20 *PATE IN INVESTIGATION.—The Secretary of Defense shall*
21 *implement a Sexual Assault Response Coordinator-led proc-*
22 *ess by which a member or dependent referred to in sub-*
23 *section (a) may decline to participate in the investigation*
24 *of the sexual assault. The member or dependent, after con-*
25 *sultation with a Sexual Assault Victim Advocate or Sexual*

1 *Assault Response Coordinator, or both, may complete a*
2 *form indicating a preference not to participate further in*
3 *the investigative process.*

4 “(d) *DEFINITIONS.—In this section:*

5 “(1) *The term ‘sexual assault’ includes any of*
6 *the offenses covered by section 920 of this title (article*
7 *120).*

8 “(2) *The term ‘military legal assistance counsel’*
9 *means—*

10 “(A) *a judge advocate (as defined in section*
11 *801(13) of this title (article 1(13) of the Uniform*
12 *Code of Military Justice)); or*

13 “(B) *a civilian attorney serving as a legal*
14 *assistance officer under the provisions of section*
15 *1044 of this title.”.*

16 (b) *CLERICAL AMENDMENT.—The table of sections at*
17 *the beginning of such chapter is amended by inserting after*
18 *the item relating to section 1044d the following new item:*

“1044e. *Access to legal assistance and Victim Advocate services for victims of sexual assault.”.*

19 (c) *CONFORMING AMENDMENT REGARDING PROVISION*
20 *OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of such title*
21 *is amended by striking “sections 1044a, 1044b, 1044c, and*
22 *1044d” and inserting “sections 1044a through 1044e”.*

1 **SEC. 1644. NOTIFICATION OF COMMAND OF OUTCOME OF**
2 **COURT-MARTIAL INVOLVING CHARGES OF**
3 **SEXUAL ASSAULT.**

4 *Section 853 of title 10, United States Code (article 53*
5 *of the Uniform Code of Military Justice), is amended—*

6 *(1) by inserting “(a) ANNOUNCEMENT TO PAR-*
7 *TIES.—” before “A court-martial”; and*

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

10 *“(b) DISSEMINATION OF RESULTS TO COMMAND IN*
11 *CERTAIN CASES.—In the case of an alleged sexual assault*
12 *or other offense covered by section 920 of this title (article*
13 *120), the trial counsel shall notify the servicing staff judge*
14 *advocate at the military installation, who shall notify the*
15 *convening authority and commanders, as appropriate. In*
16 *consultation with the servicing staff judge advocate, the*
17 *commanding officer shall notify members of the command*
18 *of the outcome of the case.”.*

19 **SEC. 1645. COPY OF RECORD OF COURT-MARTIAL TO VICTIM**
20 **OF SEXUAL ASSAULT INVOLVING A MEMBER**
21 **OF THE ARMED FORCES.**

22 *Section 854 of title 10, United States Code (article 54*
23 *of the Uniform Code of Military Justice), is amended by*
24 *adding at the end the following new subsection:*

25 *“(e) In the case of a general or special court-martial*
26 *involving a sexual assault or other offense covered by section*

1 920 of this title (article 120), a copy of the prepared record
2 of the proceedings of the court-martial shall be given to the
3 victim of the offence if the victim testified during the pro-
4 ceedings. The record of the proceedings shall be provided
5 without charge and as soon as the record is authenticated.
6 The victim shall be notified of the opportunity to receive
7 the record of the proceedings.”.

8 **SEC. 1646. MEDICAL CARE FOR VICTIMS OF SEXUAL AS-**
9 **SAULT.**

10 (a) *MEDICAL CARE AND RECORDS.*—Chapter 55 of
11 title 10, United States Code, is amended by inserting after
12 section 1074l the following new section:

13 **“§ 1074m. Medical care for members who are victims**
14 **of sexual assault**

15 “(a) *MEDICAL CARE.*—(1) The Secretary of Defense
16 shall establish protocols for providing medical care to a
17 member of the armed forces who is a victim of a sexual
18 assault, including protocols with respect to the appropriate
19 screening, prevention, and mitigation of diseases.

20 “(2) In establishing the protocols under paragraph (1),
21 the Secretary shall take into consideration the sex of the
22 member of the armed forces.

23 “(b) *MEDICAL RECORDS.*—The Secretary shall ensure
24 that—

1 **“§ 1034b. Privilege against disclosure of certain com-**
2 **munications with Sexual Assault Victim**
3 **Advocates**

4 “A confidential communication between the victim of
5 a sexual assault or other offense covered by section 920 of
6 this title (article 120 of the Uniform Code of Military Jus-
7 tice) and a Sexual Assault Victim Advocate assigned under
8 section 1568 of this title, including a deployable Sexual As-
9 sault Victim Advocate, shall be treated in the same manner
10 as a confidential communication between a patient and a
11 psychiatrist for purposes of any privilege which may attach
12 to such a communication.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of such chapter is amended by
15 inserting after the item relating to section 1034a the
16 following new item:

“1034b. Privilege against disclosure of certain communications with Sexual As-
sault Victim Advocates.”.

17 (b) APPLICABILITY.—Section 1034b of title 10, United
18 States Code, as added by subsection (a), applies to commu-
19 nications described in such section whether made before, on,
20 or after the date of the enactment of this Act.

21 **Subtitle D—Other Matters**

22 **SEC. 1661. RECRUITER SELECTION AND OVERSIGHT.**

23 (a) SCREENING, TRAINING, AND OVERSIGHT OF RE-
24 CRUITERS.—The Secretaries of the military departments

1 *shall ensure effective recruiter selection and oversight with*
2 *regard to sexual assault prevention and response by ensur-*
3 *ing that—*

4 (1) *recruiters are screened and trained under the*
5 *sexual assault prevention and response program;*

6 (2) *sexual assault prevention and response pro-*
7 *gram information is disseminated to recruiters and*
8 *potential recruits for the Armed Forces; and*

9 (3) *oversight is in place to preclude the potential*
10 *for sexual misconduct by recruiters.*

11 (b) *IMPROVED AWARENESS OF RECRUITS.—Com-*
12 *manders of recruiting organizations and Military Entrance*
13 *Processing Stations shall ensure that sexual assault preven-*
14 *tion and response awareness campaign materials are avail-*
15 *able and posted in locations visible to potential and actual*
16 *recruits for the Armed Forces.*

17 **SEC. 1662. AVAILABILITY OF SERVICES UNDER SEXUAL AS-**
18 **SAULT PREVENTION AND RESPONSE PRO-**
19 **GRAM FOR DEPENDENTS OF MEMBERS, MILI-**
20 **TARY RETIREES, DEPARTMENT OF DEFENSE**
21 **CIVILIAN EMPLOYEES, AND DEFENSE CON-**
22 **TRACTOR EMPLOYEES.**

23 (a) *NOTIFICATION OF EXTENT OF CURRENT SERV-*
24 *ICES.—Not later than 90 days after the date of the enact-*
25 *ment of this Act, the Secretary of Defense shall revise mate-*

1 *rials made available under the sexual assault prevention*
2 *and response program to include information on the extent*
3 *to which dependents of members of the Armed Forces, re-*
4 *tired members, Department of Defense civilian employees,*
5 *and employees of defense contractors are eligible for sexual*
6 *assault prevention and response services under the sexual*
7 *assault prevention and response program.*

8 *(b) REPORT REQUIRED.—Not later than one year after*
9 *the date of the enactment of this Act, the Secretary of De-*
10 *fense shall submit to the congressional defense committees*
11 *a report on the feasibility of extending all sexual assault*
12 *prevention and response services available for a member of*
13 *the Armed Forces who is the victim of a sexual assault to*
14 *persons referred to in subsection (a).*

15 **SEC. 1663. APPLICATION OF SEXUAL ASSAULT PREVENTION**
16 **AND RESPONSE PROGRAM IN TRAINING ENVI-**
17 **RONMENTS.**

18 *The Secretaries of the military departments shall en-*
19 *sure that a member of the Armed Forces who is a victim*
20 *of a sexual assault in a training environment is provided,*
21 *to the maximum extent possible, with confidential access to*
22 *victim support services and afforded time for recovery. The*
23 *member should not be required to repeat training unless*
24 *the time needed for support services and recovery signifi-*
25 *cantly interferes with the progress of the member's training.*

1 **SEC. 1664. APPLICATION OF SEXUAL ASSAULT PREVENTION**
2 **AND RESPONSE PROGRAM IN REMOTE ENVI-**
3 **RONMENTS AND JOINT BASING SITUATIONS.**

4 (a) *REMOTE AND DEPLOYED ENVIRONMENTS.*—The
5 Secretary of Defense and the combatant commanders shall
6 ensure that the sexual assault prevention and response pro-
7 gram continues to operate even in remote environments in
8 which members of the Armed Forces are deployed, including
9 coalition operations.

10 (b) *JOINT BASING.*—The Secretary of Defense shall
11 monitor the implementation of the sexual assault preven-
12 tion and response program and military justice and juris-
13 diction issues at joint basing locations. Elements of the
14 Armed Forces sharing a joint base location shall closely col-
15 laborate on sexual assault prevention and response issues
16 to ensure consistency in approach and messages at the joint
17 base location.

18 **DIVISION B—MILITARY CON-**
19 **STRUCTION AUTHORIZA-**
20 **TIONS**

21 **SEC. 2001. SHORT TITLE.**

22 This division may be cited as the “Military Construc-
23 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 there-*
11 *for) 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 au-*
17 *thorizations for military construction projects, land acqui-*
18 *sition, family housing projects and facilities, and contribu-*
19 *tions to the North Atlantic Treaty Organization Security*
20 *Investment Program (and authorizations of appropriations*
21 *therefor), for which appropriated funds have been obligated*
22 *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 construc-*
26 *tion projects, land acquisition, family housing*

1 *projects and facilities, and contributions to the North*
2 *Atlantic Treaty Organization Security Investment*
3 *Program.*

4 **SEC. 2003. EFFECTIVE DATE.**

5 *Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII,*
6 *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 days*
15 *after the date of the enactment of this Act, the Secretary*
16 *of Defense shall submit to the congressional defense commit-*
17 *tees a report describing how the reduction required by sub-*
18 *section (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 inside
- 2 the United States, and subject to the purpose, total amount
- 3 authorized, and authorization of appropriations specified
- 4 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 (Hang- ar)	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
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

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
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
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

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
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1 **(b) OUTSIDE THE UNITED STATES.**—*The Secretary of*
 2 *the Army may acquire real property and carry out military*
 3 *construction projects for the installations or locations out-*
 4 *side the United States, and subject to the purpose, total*
 5 *amount authorized, and authorization of appropriations*
 6 *specified for each project, 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	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, Incr 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, Incr 4	0	13,000
IT	Vicenza	Brigade Complex - Operations Support Facility, Incr 4	0	13,000
KR	Camp Walker	Electrical System Upgrade & Natural Gas System	19,500	19,500

7 **(c) AUTHORIZATION OF APPROPRIATIONS.**—

8 **(1) INSIDE THE UNITED STATES.**—*For military*
 9 *construction projects inside the United States author-*
 10 *ized by subsection (a), funds are hereby authorized to*
 11 *be appropriated for fiscal years beginning after Sep-*

1 *t*ember 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 author-*
6 *ized to be appropriated for fiscal years beginning*
7 *after September 30, 2010, in the total amount of*
8 *\$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 author-*
13 *ized to be appropriated for fiscal years beginning*
14 *after September 30, 2010, in the total amount of*
15 *\$26,450,000.*

16 (4) *HOST NATION SUPPORT AND CERTAIN SERV-*
17 *ICES AND DESIGN.*—*For host nation support and ar-*
18 *chitectural and engineering services and construction*
19 *design under section 2807 of title 10, United States*
20 *Code, funds are hereby authorized to be appropriated*
21 *for fiscal years beginning after September 30, 2010,*
22 *in the total amount of \$255,462,000.*

23 **SEC. 2102. FAMILY HOUSING.**

24 (a) *CONSTRUCTION AND ACQUISITION.*—*The Secretary*
25 *of the Army may construct or acquire family housing units*

1 *(including land acquisition and supporting facilities) at*
 2 *the installations or locations, and subject to the purpose and*
 3 *number of units, total amount authorized, and authoriza-*
 4 *tion of appropriations specified for each project, set forth*
 5 *in the following table:*

Army: Family Housing (Amounts Are Specified In Thousands of Dollars)				
<i>Location</i>	<i>Installation or Location</i>	<i>Purpose of Project and Number of Units</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
<i>AK</i>	<i>Fort Wainwright</i>	<i>Family Housing Replacement Construction (110 units)</i>	<i>21,000</i>	<i>21,000</i>
<i>GY</i>	<i>Baumholder</i>	<i>Family Housing Replacement Construc- tion (64 units)</i>	<i>34,329</i>	<i>34,329</i>

6 *(b) PLANNING AND DESIGN.—The Secretary of the*
 7 *Army may carry out architectural and engineering services*
 8 *and construction design activities with respect to the con-*
 9 *struction or improvement of family housing units in an*
 10 *amount not to exceed \$2,040,000.*

11 *(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING*
 12 *UNITS.—Subject to section 2825 of title 10, United States*
 13 *Code, the Secretary of the Army may improve existing mili-*
 14 *tary family housing units in an amount not to exceed*
 15 *\$35,000,000.*

16 *(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 17 *hereby authorized to be appropriated for fiscal years begin-*
 18 *ning after September 30, 2010—*

19 *(1) for construction and acquisition, planning*
 20 *and design, and improvement of military family*
 21 *housing and facilities authorized by subsections (a),*
 22 *(b), and (c) in the total amount of \$92,369,000; and*

1 (2) for support of military family housing (in-
2 cluding the functions described in section 2833 of title
3 10, United States Code), in the total amount of
4 \$518,140,000.

5 **SEC. 2103. USE OF UNOBLIGATED ARMY MILITARY CON-**
6 **STRUCTION FUNDS IN CONJUNCTION WITH**
7 **FUNDS PROVIDED BY THE COMMONWEALTH**
8 **OF VIRGINIA TO CARRY OUT CERTAIN FISCAL**
9 **YEAR 2002 PROJECT.**

10 (a) *FIRE STATION AT FORT BELVOIR, VIRGINIA.*—Sec-
11 tion 2836(d) of the Military Construction Authorization Act
12 for Fiscal Year 2002 (division B of Public Law 107–107;
13 115 Stat. 1314), as most recently amended by section 2849
14 of the John Warner National Defense Authorization Act for
15 Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2486),
16 is further amended—

17 (1) in paragraph (2), by inserting “through a
18 project for construction of an Army standard-design,
19 two-company fire station at Fort Belvoir, Virginia,”
20 after “Building 191”; and

21 (2) by adding at the end the following new para-
22 graph:

23 “(3) The Secretary may use up to \$3,900,000 of avail-
24 able, unobligated Army military construction funds appro-
25 priated for a fiscal year before fiscal year 2011, in conjunc-

1 *tion with the funds provided under paragraph (1), for the*
2 *project described in paragraph (2).”.*

3 (b) *CONGRESSIONAL NOTIFICATION.—The Secretary of*
4 *the Army shall provide information, in accordance with sec-*
5 *tion 2851(c) of title 10, United States Code, regarding the*
6 *project described in the amendment made by subsection (a).*
7 *If it becomes necessary to exceed the estimated project cost*
8 *of \$8,780,000, including \$4,880,000 contributed by the*
9 *Commonwealth of Virginia, the Secretary shall utilize the*
10 *authority provided by section 2853 of such title regarding*
11 *authorized cost and scope of work variations.*

12 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **CERTAIN FISCAL YEAR 2009 PROJECT.**

14 *The table in section 2101(b) of the Military Construc-*
15 *tion Authorization Act for Fiscal Year 2009 (division B*
16 *of Public Law 110–417; 122 Stat. 4661) is amended by*
17 *striking “Katterbach” and inserting “Grafenwoehr”.*

18 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
19 **CERTAIN FISCAL YEAR 2010 PROJECT.**

20 *In the case of the authorization contained in the table*
21 *in section 2101(a) of the Military Construction Authoriza-*
22 *tion Act for Fiscal Year 2010 (division B of Public Law*
23 *111-84; 123 Stat. 2628) for Fort Riley, Kansas, for con-*
24 *struction of a Brigade Complex at the installation, the Sec-*
25 *retary of the Army may construct up to a 40,100 square-*

1 *feet brigade headquarters consistent with the Army's con-*
 2 *struction guidelines for brigade headquarters.*

3 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2008 PROJECTS.**

5 (a) *EXTENSION.*—*Notwithstanding section 2002 of the*
 6 *Military Construction Authorization Act for Fiscal Year*
 7 *2008 (division B of Public Law 110–181; 122 Stat. 503),*
 8 *authorizations set forth in the table in subsection (b), as*
 9 *provided in section 2101 of that Act (122 Stat. 504), shall*
 10 *remain in effect until October 1, 2011, or the date of the*
 11 *enactment of an Act authorizing funds for military con-*
 12 *struction for fiscal year 2012, whichever is later:*

13 (b) *TABLE.*—*The table referred to in subsection (a) is*
 14 *as follows:*

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Georgia	Fort Stewart	Unit Operations Facilities	\$16,000,000
Hawaii	Schofield Barracks ..	Tactical Vehicle Wash Facility.	\$10,200,000
		Barracks Complex	\$51,000,000
Louisiana	Fort Polk	Brigade Headquarters	\$9,800,000
		Child Care Facility	\$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range.	\$4,150,000
Oklahoma	Fort Sill	Multipurpose Machine Gun Range.	\$3,300,000
Washington	Fort Lewis	Alternative Fuel Facility ...	\$3,300,000

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 inside
 9 the United States, and subject to the purpose, total amount
 10 authorized, and authorization of appropriations specified
 11 for each project, set forth in the following table:

Navy: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars)				
<i>State</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
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 Puel 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 Main- tenance 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
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 Struc- ture	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

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
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 Computable 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 Comissioned Officer Academy	12,080	12,080
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 of
 2 the Navy may acquire real property and carry out military
 3 construction projects for the installations or locations out-

1 *side the United States, and subject to the purpose, total*
 2 *amount authorized, and authorization of appropriations*
 3 *specified for each project, set forth in the following 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	Aisugi	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	Pinegayan Site Prep and Utilities	147,210	147,210
SP	Rota	Air Traffic Control Tower	23,190	23,190

4 (c) *AUTHORIZATION OF APPROPRIATIONS.—*

5 (1) *INSIDE THE UNITED STATES.—For military*
 6 *construction projects inside the United States author-*
 7 *ized by subsection (a), funds are hereby authorized to*
 8 *be appropriated for fiscal years beginning after Sep-*
 9 *tember 30, 2010, in the total amount of*
 10 *\$3,077,237,000.*

11 (2) *OUTSIDE THE UNITED STATES.—For mili-*
 12 *tary construction projects outside the United States*
 13 *authorized by subsection (b), funds are hereby author-*
 14 *ized to be appropriated for fiscal years beginning*
 15 *after September 30, 2010, in the total amount of*
 16 *\$721,760,000.*

17 (3) *UNSPECIFIED MINOR MILITARY CONSTRUC-*
 18 *TION PROJECTS.—For unspecified minor military*

1 *construction projects authorized by section 2805 of*
2 *title 10, United States Code, funds are hereby author-*
3 *ized to be appropriated for fiscal years beginning*
4 *after September 30, 2010, in the total amount of*
5 *\$20,877,000.*

6 *(4) ARCHITECTURAL AND ENGINEERING SERV-*
7 *ICES AND CONSTRUCTION DESIGN.—For architectural*
8 *and engineering services and construction design*
9 *under section 2807 of title 10, United States Code,*
10 *funds are hereby authorized to be appropriated for*
11 *fiscal years beginning after September 30, 2010, in*
12 *the total amount of \$121,765,000. None of the funds*
13 *appropriated pursuant to this authorization of appro-*
14 *priations may be used for architectural and engineer-*
15 *ing services and construction design of any military*
16 *construction project necessary to establish a homeport*
17 *for a nuclear-powered aircraft carrier at Naval Sta-*
18 *tion Mayport, Florida.*

19 **SEC. 2202. FAMILY HOUSING.**

20 *(a) CONSTRUCTION AND ACQUISITION.—The Secretary*
21 *of the Navy may construct or acquire family housing units*
22 *(including land acquisition and supporting facilities) at*
23 *the installations or locations, and subject to the purpose and*
24 *number of units, total amount authorized, and authoriza-*

1 *tion of appropriations specified for each project, set forth*
 2 *in the following table:*

Navy: Family Housing (Amounts Are Specified In Thousands of Dollars)				
<i>Location</i>	<i>Installation or Location</i>	<i>Purpose of Project and Number of Units</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
<i>GB</i>	<i>Guantanamo Bay</i>	<i>Replace GTMO Housing</i>	<i>37,169</i>	<i>37,169</i>

3 **(b) PLANNING AND DESIGN.**—*The Secretary of the*
 4 *Navy may carry out architectural and engineering services*
 5 *and construction design activities with respect to the con-*
 6 *struction or improvement of family housing units in an*
 7 *amount not to exceed \$3,255,000.*

8 **(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 9 **UNITS.**—*Subject to section 2825 of title 10, United States*
 10 *Code, the Secretary of the Navy may improve existing mili-*
 11 *tary family housing units in an amount not to exceed*
 12 *\$146,020,000.*

13 **(d) AUTHORIZATION OF APPROPRIATIONS.**—*Funds are*
 14 *hereby authorized to be appropriated for fiscal years begin-*
 15 *ning after September 30, 2010—*

16 **(1)** *for construction and acquisition, planning*
 17 *and design, and improvement of military family*
 18 *housing and facilities authorized by subsections (a),*
 19 *(b), and (c) in the total amount of \$186,444,000; and*

20 **(2)** *for support of military family housing (in-*
 21 *cluding the functions described in section 2833 of title*
 22 *10, United States Code), in the total amount of*
 23 *\$366,346,000.*

1 **SEC. 2203. TECHNICAL AMENDMENT TO REFLECT MULTI-IN-**
2 **CREMENT FISCAL YEAR 2010 PROJECT.**

3 *Section 2204 of the Military Construction Authoriza-*
4 *tion Act for Fiscal Year 2010 (division B of Public Law*
5 *111–84; 123 Stat. 2634), is amended—*

6 *(1) in subsection (a), by adding at the end the*
7 *following new paragraph:*

8 *“(14) For the construction of the first increment*
9 *of a tertiary water treatment plant at Marine Corps*
10 *Base, Camp Pendleton, California, authorized by sec-*
11 *tion 2201(a), \$112,330,000.”; and*

12 *(2) in subsection (b), by adding at the end the*
13 *following new paragraph:*

14 *“(7) \$30,000,000 (the balance of the amount au-*
15 *thorized under section 2201(a) for North Region Ter-*
16 *tiary Treatment Plant, Camp Pendleton, Cali-*
17 *fornia).”.*

18 **SEC. 2204. EXTENSION OF AUTHORIZATION OF CERTAIN**
19 **FISCAL YEAR 2008 PROJECT.**

20 *(a) EXTENSION.—Notwithstanding section 2002 of the*
21 *Military Construction Authorization Act for Fiscal Year*
22 *2008 (division B of Public Law 110–181; 122 Stat. 503),*
23 *the authorization set forth in the table in subsection (b),*
24 *as provided in section 2201(c) of that Act (122 Stat. 511),*
25 *shall remain in effect until October 1, 2011, or the date*

1 of the enactment of an Act authorizing funds for military
 2 construction for fiscal year 2012, whichever is later:

3 (b) TABLE.—The table referred to in subsection (a) is
 4 as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastructure	\$2,700,000

5 **TITLE XXIII—AIR FORCE**
 6 **MILITARY CONSTRUCTION**

7 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 8 **LAND ACQUISITION PROJECTS AND AUTHOR-**
 9 **IZATION 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 installations or loca-
 13 tions inside the United States, and subject to the purpose,
 14 total amount authorized, and authorization of appropria-
 15 tions specified for each project, set forth in the following
 16 table:

Air Force: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars)				
<i>State</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
AK	Elmendorf 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

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
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
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 of
2 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 purpose,
5 total amount authorized, and authorization of appropria-
6 tions specified for each project, set forth in the following
7 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
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 the
 2 *Air Force* may acquire real property and carry out mili-
 3 *tary construction projects at various unspecified installa-*
 4 *tions or locations, and subject to the purpose, total amount*
 5 *authorized, and authorization of appropriations specified*
 6 *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 author-*
 10 *ized by subsection (a), funds are hereby authorized to*

1 *be appropriated for fiscal years beginning after Sep-*
2 *tember 30, 2010, in the total amount of \$836,635,000.*

3 (2) *OUTSIDE THE UNITED STATES.—For mili-*
4 *tary construction projects outside the United States*
5 *authorized by subsection (b), funds are hereby author-*
6 *ized to be appropriated for fiscal years beginning*
7 *after September 30, 2010, in the total amount of*
8 *\$307,114,000.*

9 (3) *UNSPECIFIED WORLDWIDE.—For the mili-*
10 *tary construction projects at unspecified worldwide*
11 *locations authorized by subsection (c), funds are here-*
12 *by authorized to be appropriated for fiscal years be-*
13 *ginning after September 30, 2010, in the total*
14 *amount of \$76,600,000.*

15 (4) *UNSPECIFIED MINOR MILITARY CONSTRUC-*
16 *TION PROJECTS.—For unspecified minor military*
17 *construction projects authorized by section 2805 of*
18 *title 10, United States Code, funds are hereby author-*
19 *ized to be appropriated for fiscal years beginning*
20 *after September 30, 2010, in the total amount of*
21 *\$21,000,000.*

22 (5) *ARCHITECTURAL AND ENGINEERING SERV-*
23 *ICES AND CONSTRUCTION DESIGN.—For architectural*
24 *and engineering services and construction design*
25 *under section 2807 of title 10, United States Code,*

1 *funds are hereby authorized to be appropriated for*
 2 *fiscal years beginning after September 30, 2010, in*
 3 *the total amount of \$74,424,000.*

4 **SEC. 2302. FAMILY HOUSING.**

5 *(a) CONSTRUCTION AND ACQUISITION.—The Secretary*
 6 *of the Air Force may construct or acquire family housing*
 7 *units (including land acquisition and supporting facilities)*
 8 *at the installations or locations, and subject to the purpose*
 9 *and number of units, total amount authorized, and author-*
 10 *ization of appropriations specified for each project, set forth*
 11 *in the following table:*

Air Force: Family Housing <i>(Amounts Are Specified In Thousands of Dollars)</i>				
<i>Location</i>	<i>Installation or Location</i>	<i>Purpose of Project and Number of Units</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
<i>ZU</i>	<i>Various Worldwide loca- tions</i>	<i>Classified Project</i>	<i>50</i>	<i>50</i>

12 *(b) PLANNING AND DESIGN.—The Secretary of the Air*
 13 *Force 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 \$4,225,000.*

17 *(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING*
 18 *UNITS.—Subject to section 2825 of title 10, United States*
 19 *Code, the Secretary of the Air Force may improve existing*
 20 *military family housing units in an amount not to exceed*
 21 *\$73,750,000.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
2 *hereby authorized to be appropriated for fiscal years begin-*
3 *ning 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 \$78,025,000; and*

8 (2) *for support of military family housing (in-*
9 *cluding the functions described in section 2833 of title*
10 *10, United States Code), in the total amount of*
11 *\$513,792,000.*

12 **SEC. 2303. EXTENSION OF AUTHORIZATION OF CERTAIN**
13 **FISCAL YEAR 2007 PROJECT.**

14 (a) *EXTENSION.—Notwithstanding section 2701 of the*
15 *Military Construction Authorization Act for Fiscal Year*
16 *2007 (division B of Public Law 109–364; 120 Stat. 2463),*
17 *authorization set forth in the table in subsection (b), as pro-*
18 *vided in section 2302 of that Act (120 Stat. 2455) and ex-*
19 *tended by section 2306 of the Military Construction Author-*
20 *ization Act for Fiscal Year 2010 (division B of Public Law*
21 *111–84; 123 Stat. 2638), shall remain in effect until Octo-*
22 *ber 1, 2011, or the date of the enactment of an Act author-*
23 *izing funds for military construction for fiscal year 2012,*
24 *whichever is later.*

1 (b) TABLE.—The table referred to in subsection (a) is
 2 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

3 **TITLE XXIV—DEFENSE AGEN-**
 4 **CIES MILITARY CONSTRUC-**
 5 **TION**

6 **Subtitle A—Defense Agency**
 7 **Authorizations**

8 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 9 **TION AND LAND ACQUISITION PROJECTS**
 10 **AND AUTHORIZATION OF APPROPRIATIONS.**

11 (a) *INSIDE THE UNITED STATES.*—The Secretary of
 12 Defense may acquire real property and carry out military
 13 construction projects for the Defense Agencies at installa-
 14 tions or locations inside the United States, and subject to
 15 the purpose, total amount authorized, and authorization of
 16 appropriations specified for each project, set forth in the
 17 following table:

Defense Wide: Inside the United States (Amounts Are Specified In Thousands of Dollars)				
<i>State</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
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	Replec 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

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
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
MA	Hanscom 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 1 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

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
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 of*
2 *Defense may acquire real property and carry out military*
3 *construction projects for the Defense Agencies at the instal-*
4 *lations or locations outside the United States, and subject*
5 *to the purpose, total amount authorized, and authorization*
6 *of appropriations specified for each project, set forth in the*
7 *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, Incr 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

8 **(c) AUTHORIZATION OF APPROPRIATIONS.**—

9 **(1) INSIDE THE UNITED STATES.**—*For military*
10 *construction projects inside the United States author-*
11 *ized by subsection (a), funds are hereby authorized to*
12 *be appropriated for fiscal years beginning after Sep-*
13 *tember 30, 2010, in the total amount of*
14 *\$1,930,120,000.*

1 (2) *OUTSIDE THE UNITED STATES.*—*For mili-*
2 *tary construction projects outside the United States*
3 *authorized by subsection (b), funds are hereby author-*
4 *ized to be appropriated for fiscal years beginning*
5 *after September 30, 2010, in the total amount of*
6 *\$452,419,000.*

7 (3) *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 author-*
11 *ized to be appropriated for fiscal years beginning*
12 *after September 30, 2010, in the total amount of*
13 *\$42,856,000.*

14 (4) *CONTINGENCY CONSTRUCTION.*—*For contin-*
15 *gency construction projects of the Secretary of Defense*
16 *under section 2804 of title 10, United States Code,*
17 *funds are hereby authorized to be appropriated for*
18 *fiscal years beginning after September 30, 2010, in*
19 *the total amount of \$10,000,000.*

20 (5) *ARCHITECTURAL AND ENGINEERING SERV-*
21 *ICES AND CONSTRUCTION DESIGN.*—*For architectural*
22 *and engineering services and construction design*
23 *under section 2807 of title 10, United States Code,*
24 *funds are hereby authorized to be appropriated for*

1 *fiscal years beginning after September 30, 2010, in*
2 *the total amount of \$434,185,000.*

3 **SEC. 2402. FAMILY HOUSING.**

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal years beginning after September 30, 2010—*

6 *(1) for support of military family housing (in-*
7 *cluding the functions described in section 2833 of title*
8 *10, United States Code), in the total amount of*
9 *\$50,464,000; and*

10 *(2) for credits to the Department of Defense*
11 *Family Housing Improvement Fund under section*
12 *2883 of title 10, United States Code, and the Home-*
13 *owners Assistance Fund established under section*
14 *1013 of the Demonstration Cities and Metropolitan*
15 *Development Act of 1966 (42 U.S.C. 3374), in the*
16 *total amount of \$17,611,000.*

17 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

18 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
19 *hereby authorized to be appropriated for fiscal years begin-*
20 *ning after September 30, 2010, for energy conservation*
21 *projects under chapter 173 of title 10, United States Code,*
22 *\$130,000,000.*

23 *(b) AVAILABILITY OF FUNDS FOR RESERVE COMPO-*
24 *NENT PROJECTS.—Of the amount authorized to be appro-*
25 *priated by subsection (a) for energy conservation projects,*

1 *the Secretary of Defense shall reserve a portion of the*
2 *amount for energy conservation projects for the reserve com-*
3 *ponents in an amount that is not less than an amount that*
4 *bears the same proportion to the total amount authorized*
5 *to be appropriated as the total quantity of energy consumed*
6 *by reserve facilities (as defined in section 18232(2) of title*
7 *10, United States Code) during fiscal year 2010 bears to*
8 *the total quantity of energy consumed by all military in-*
9 *stallations (as defined in section 2687(e)(1) of such title)*
10 *during that fiscal year, as determined by the Secretary.*

11 ***Subtitle B—Chemical***
12 ***Demilitarization Authorizations***

13 ***SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-***
14 ***ICAL DEMILITARIZATION CONSTRUCTION,***
15 ***DEFENSE-WIDE.***

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal years beginning after September 30, 2010, for military*
18 *construction and land acquisition for chemical demili-*
19 *tarization in the total amount of \$124,971,000, as follows:*

20 *(1) For the construction of phase 12 of a chem-*
21 *ical munitions demilitarization facility at Pueblo*
22 *Chemical Activity, Colorado, authorized by section*
23 *2401(a) of the Military Construction Authorization*
24 *Act for Fiscal Year 1997 (division B of Public Law*
25 *104–201; 110 Stat. 2775), as amended by section*

1 *2406 of the Military Construction Authorization Act*
2 *for Fiscal Year 2000 (division B of Public Law 106–*
3 *65; 113 Stat. 839), section 2407 of the Military Con-*
4 *struction Authorization Act for Fiscal Year 2003 (di-*
5 *vision B of Public Law 107–314; 116 Stat. 2698),*
6 *and section 2413 of the Military Construction Author-*
7 *ization Act for Fiscal Year 2009 (division B of Public*
8 *Law 110–417; 122 Stat. 4697), \$65,569,000.*

9 *(2) For the construction of phase 11 of a muni-*
10 *tions demilitarization facility at Blue Grass Army*
11 *Depot, Kentucky, authorized by section 2401(a) of the*
12 *Military Construction Authorization Act for Fiscal*
13 *Year 2000 (division B of Public Law 106–65; 113*
14 *Stat. 835), as amended by section 2405 of the Mili-*
15 *tary Construction Authorization Act for Fiscal Year*
16 *2002 (division B of Public Law 107–107; 115 Stat.*
17 *1298), section 2405 of the Military Construction Au-*
18 *thorization Act for Fiscal Year 2003 (division B of*
19 *Public Law 107–314; 116 Stat. 2698), and section*
20 *2414 of the Military Construction Authorization Act*
21 *for Fiscal Year 2009 (division B of Public Law 110–*
22 *417; 122 Stat. 4697), \$59,402,000.*

1 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2000 PROJECT.**

3 (a) *MODIFICATION.*—*The table in section 2401(a) of*
4 *the Military Construction Authorization Act for Fiscal Year*
5 *2000 (division B of Public Law 106–65; 113 Stat. 835),*
6 *as amended by section 2405 of the Military Construction*
7 *Authorization Act for Fiscal Year 2002 (division B of Pub-*
8 *lic Law 107-107; 115 Stat. 1298), section 2405 of the Mili-*
9 *tary Construction Authorization Act for Fiscal Year 2003*
10 *(division B of Public Law 107–314; 116 Stat. 2698), and*
11 *section 2414 of the Military Construction Authorization Act*
12 *for Fiscal Year 2009 (division B of Public Law 110–417;*
13 *122 Stat. 4697), is amended—*

14 (1) *under the agency heading relating to Chem-*
15 *ical Demilitarization, in the item relating to Blue*
16 *Grass Army Depot, Kentucky, by striking*
17 *“\$492,000,000” in the amount column and inserting*
18 *“\$746,000,000”; and*

19 (2) *by striking the amount identified as the total*
20 *in the amount column and inserting*
21 *“\$1,203,920,000”.*

22 (b) *CONFORMING AMENDMENT.*—*Section 2405(b)(3) of*
23 *the Military Construction Authorization Act for Fiscal Year*
24 *2000 (division B of Public Law 106–65; 113 Stat. 839),*
25 *as amended by section 2405 of the Military Construction*
26 *Authorization Act for Fiscal Year 2002 (division B of Pub-*

1 *lic Law 107–107; 115 Stat. 1298), section 2405 of the Mili-*
2 *tary Construction Authorization Act for Fiscal Year 2003*
3 *(division B of Public Law 107–314; 116 Stat. 2698), and*
4 *section 2414 of the Military Construction Authorization Act*
5 *for Fiscal Year 2009 (division B of Public Law 110–417;*
6 *122 Stat. 4697), is amended by striking “\$469,200,000”*
7 *and inserting “\$723,200,000”.*

8 *(c) LIMITATION.—The Secretary of the Army may not*
9 *enter into a solicitation or task order using Federal Acqui-*
10 *sition Regulation Subpart 16.3, titled “Cost Reimburse-*
11 *ment Contracts”, to carry out the military construction*
12 *project covered by the authorization modification provided*
13 *by the amendment made by subsection (a).*

14 **TITLE XXV—NORTH ATLANTIC**
15 **TREATY ORGANIZATION SE-**
16 **CURITY INVESTMENT PRO-**
17 **GRAM**

18 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
19 **ACQUISITION PROJECTS.**

20 *The Secretary of Defense may make contributions for*
21 *the North Atlantic Treaty Organization Security Invest-*
22 *ment Program as provided in section 2806 of title 10,*
23 *United States Code, in an amount not to exceed the sum*
24 *of the amount authorized to be appropriated for this pur-*
25 *pose in section 2502 and the amount collected from the*

1 *North Atlantic Treaty Organization as a result of construc-*
 2 *tion previously financed by the United States.*

3 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

4 *Funds are hereby authorized to be appropriated for fis-*
 5 *cal years beginning after September 30, 2010, for contribu-*
 6 *tions by the Secretary of Defense under section 2806 of title*
 7 *10, United States Code, for the share of the United States*
 8 *of the cost of projects for the North Atlantic Treaty Organi-*
 9 *zation Security Investment Program authorized by section*
 10 *2501, in the amount of \$258,884,000.*

11 **TITLE XXVI—GUARD AND**
 12 **RESERVE FORCES FACILITIES**

13 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 14 **STRUCTION AND LAND ACQUISITION**
 15 **PROJECTS AND AUTHORIZATION OF APPRO-**
 16 **PRIATIONS.**

17 *(a) INSIDE THE UNITED STATES.—The Secretary of*
 18 *the Army may acquire real property and carry out military*
 19 *construction projects for the Army National Guard loca-*
 20 *tions inside the United States, and subject to the purpose,*
 21 *total amount authorized, and authorization of appropria-*
 22 *tions specified for each project, set forth in the following*
 23 *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

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
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	AASP 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
NE	Lincoln	Readiness Center Add/Alt	3,300	3,300
NE	Mead	Readiness Center	11,400	11,400
NH	Pembroke	Barracks Facility (Regional Training Insti- tute)	15,000	15,000
NH	Pembroke	Classroom Facility (Regional Training Insti- tute)	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 Macey	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 of
2 the Army may acquire real property and carry out military
3 construction projects for the Army National Guard loca-
4 tions 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 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

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
2 hereby authorized to be appropriated to the Secretary of the
3 Army for fiscal years beginning after September 30, 2010,
4 for the costs of acquisition, architectural and engineering
5 services, and construction of facilities for the Army Na-
6 tional Guard of the United States, and for contributions
7 therefor, under chapter 1803 of title 10, United States Code
8 (including the cost of acquisition of land for those facilities),
9 in the total amount of \$1,019,902,000.

10 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
11 **AND LAND ACQUISITION PROJECTS AND AU-**
12 **THORIZATION OF APPROPRIATIONS.**

13 (a) *INSIDE THE UNITED STATES.*—The Secretary of
14 the Army may acquire real property and carry out military
15 construction projects for the Army Reserve locations inside
16 the United States, and subject to the purpose, total amount
17 authorized, and authorization of appropriations specified
18 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 Equip- ment 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

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
FL	Miami	Army Reserve Center/Land	13,800	13,800
FL	Orlando	Army Reserve Center/Land	10,200	10,200
FL	West Palm Beach	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	Kansas City	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	Dallas	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	Virginia Beach	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

1 **(b) AUTHORIZATION OF APPROPRIATIONS.**—*Funds are*
2 *hereby authorized to be appropriated to the Secretary of the*
3 *Army for fiscal years beginning after September 30, 2010,*
4 *for the costs of acquisition, architectural and engineering*
5 *services, and construction of facilities for the Army Reserve,*
6 *and for contributions therefor, under chapter 1803 of title*
7 *10, United States Code (including the cost of acquisition*
8 *of land for those facilities), in the total amount of*
9 *\$358,331,000.*

10 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
11 **CORPS RESERVE CONSTRUCTION AND LAND**
12 **ACQUISITION PROJECTS AND AUTHORIZA-**
13 **TION OF APPROPRIATIONS.**

14 **(a) INSIDE THE UNITED STATES.**—*The Secretary of*
15 *the Navy may acquire real property and carry out military*
16 *construction projects for the Navy Reserve and Marine*

1 *Corps Reserve locations inside the United States, and sub-*
 2 *ject to the purpose, total amount authorized, and authoriza-*
 3 *tion of appropriations specified for each project, set forth*
 4 *in the following table:*

Navy Reserve and Marine Corps Reserve: Inside the United States				
<i>(Amounts Are Specified In Thousands of Dollars)</i>				
<i>State</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
CA	<i>Twentynine Palms</i>	<i>Tank Vehicle Maintenance Facility</i>	5,991	5,991
LA	<i>New Orleans</i>	<i>Joint Air Traffic Control Facility</i>	16,281	16,281
VA	<i>Williamsburg</i>	<i>Navy Ordnance Cargo Logistics Training Camp</i>	21,346	21,346
WA	<i>Yakima</i>	<i>Marine Corps Reserve Center</i>	13,844	13,844
ZU	<i>Various</i>	<i>Various</i>	15,000	15,000
ZU	<i>Various</i>	<i>Various</i>	15,000	15,000

5 (b) **AUTHORIZATION OF APPROPRIATIONS.**—*Funds are*
 6 *hereby authorized to be appropriated to the Secretary of the*
 7 *Navy for fiscal years beginning after September 30, 2010,*
 8 *for the costs of acquisition, architectural and engineering*
 9 *services, and construction of facilities for the Navy Reserve*
 10 *and Marine Corps Reserve, and for contributions therefor,*
 11 *under chapter 1803 of title 10, United States Code (includ-*
 12 *ing the cost of acquisition of land for those facilities), in*
 13 *the total amount of \$91,557,000.*

14 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS**
 15 **AND AUTHORIZATION OF APPROPRIATIONS.**
 16

17 (a) **INSIDE THE UNITED STATES.**—*The Secretary of*
 18 *the Air Force may acquire real property and carry out*
 19 *military construction projects for the Air National Guard*
 20 *locations inside the United States, and subject to the pur-*
 21 *pose, total amount authorized, and authorization of appro-*

1 *priations specified for each project, set forth in the following*
 2 *table:*

Air National Guard: Inside the United States				
<i>(Amounts Are Specified In Thousands of Dollars)</i>				
<i>State</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
AL	Montgomery Regional Air- port (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 Airport	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 Infrastructure 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
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

3 *(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 4 *hereby authorized to be appropriated to the Secretary of the*
 5 *Air Force for fiscal years beginning after September 30,*
 6 *2010, for the costs of acquisition, architectural and engi-*
 7 *neering services, and construction of facilities for the Air*
 8 *National Guard of the United States, and for contributions*
 9 *therefor, under chapter 1803 of title 10, United States Code*
 10 *(including the cost of acquisition of land for those facilities),*
 11 *in the total amount of \$292,371,000.*

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 2 **TION AND LAND ACQUISITION PROJECTS**
 3 **AND AUTHORIZATION OF APPROPRIATIONS.**

4 (a) *INSIDE THE UNITED STATES.*—*The Secretary of*
 5 *the Air Force may acquire real property and carry out*
 6 *military construction projects for the Air Force Reserve lo-*
 7 *cations inside the United States, and subject to the purpose,*
 8 *total amount authorized, and authorization of appropri-*
 9 *ations specified for each project, set forth in the following*
 10 *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

11 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Funds are*
 12 *hereby authorized to be appropriated to the Secretary of the*
 13 *Air Force for fiscal years beginning after September 30,*
 14 *2010, for the costs of acquisition, architectural and engi-*
 15 *neering services, and construction of facilities for the Air*
 16 *Force Reserve, and for contributions therefor, under chapter*
 17 *1803 of title 10, United States Code (including the cost of*
 18 *acquisition of land for those facilities), in the total amount*
 19 *of \$47,332,000.*

20 **SEC. 2606. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 21 **FISCAL YEAR 2008 PROJECTS.**

22 (a) *EXTENSION.*—*Notwithstanding section 2002 of the*
 23 *Military Construction Authorization Act for Fiscal Year*

1 2008 (division B of Public Law 110–181; 122 Stat. 503),
 2 the authorizations set forth in the table in subsection (b),
 3 as provided in sections 2601 and 2604 of that Act (122
 4 Stat. 527, 528), shall remain in effect until October 1, 2011,
 5 or the date of the enactment of an Act authorizing funds
 6 for military construction for fiscal year 2012, whichever is
 7 later:

8 (b) TABLE.—The table referred to in subsection (a) is
 9 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

10 **TITLE XXVII—BASE REALIGN-**
 11 **MENT AND CLOSURE ACTIVI-**
 12 **TIES**

13 **Subtitle A—Authorizations**

14 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE**
 15 **REALIGNMENT AND CLOSURE ACTIVITIES**
 16 **FUNDED THROUGH DEPARTMENT OF DE-**
 17 **FENSE BASE CLOSURE ACCOUNT 1990.**

18 *Funds are hereby authorized to be appropriated for fis-*
 19 *cal years beginning after September 30, 2010, for base re-*
 20 *alignment and closure activities, including real property*
 21 *acquisition and military construction projects, as author-*
 22 *ized by the Defense Base Closure and Realignment Act of*

1 1990 (part A of title XXIX of Public Law 101–510; 10
2 U.S.C. 2687 note) and funded through the Department of
3 Defense Base Closure Account 1990 established by section
4 2906 of such Act, in the total amount of \$360,474,000 as
5 follows:

6 (1) For the Department of the Army,
7 \$73,600,000.

8 (2) For the Department of the Navy,
9 \$162,000,000.

10 (3) For the Department of the Air Force,
11 \$124,874,000.

12 **SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLO-**
13 **SURE ACTIVITIES FUNDED THROUGH DE-**
14 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
15 **COUNT 2005.**

16 *Using amounts appropriated pursuant to the author-*
17 *ization of appropriations in section 2703, the Secretary of*
18 *Defense may carry out base realignment and closure activi-*
19 *ties, including real property acquisition and military con-*
20 *struction projects, as authorized by the Defense Base Closure*
21 *and Realignment Act of 1990 (part A of title XXIX of Pub-*
22 *lic Law 101–510; 10 U.S.C. 2687 note) and funded through*
23 *the Department of Defense Base Closure Account 2005 es-*
24 *tablished by section 2906A of such Act, in the amount of*
25 *\$2,354,285,000.*

1 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE**
2 **REALIGNMENT AND CLOSURE ACTIVITIES**
3 **FUNDED THROUGH DEPARTMENT OF DE-**
4 **FENSE BASE CLOSURE ACCOUNT 2005.**

5 *Funds are hereby authorized to be appropriated for fis-*
6 *cal years beginning after September 30, 2010, for base re-*
7 *alignment and closure activities, including real property*
8 *acquisition and military construction projects, as author-*
9 *ized by the Defense Base Closure and Realignment Act of*
10 *1990 (part A of title XXIX of Public Law 101–510; 10*
11 *U.S.C. 2687 note) and funded through the Department of*
12 *Defense Base Closure Account 2005 established by section*
13 *2906A of such Act, in the total amount of \$2,354,285,000,*
14 *as follows:*

15 (1) *For the Department of the Army,*
16 *\$1,012,420,000.*

17 (2) *For the Department of the Navy,*
18 *\$342,146,000.*

19 (3) *For the Department of the Air Force,*
20 *\$127,255,000.*

21 (4) *For the Defense Agencies, \$872,464,000.*

1 **Subtitle B—Other Matters**

2 **SEC. 2711. TRANSPORTATION PLAN FOR BRAC 133 PROJECT**

3 **UNDER FORT BELVOIR, VIRGINIA, BRAC INI-**

4 **TIATIVE.**

5 (a) *LIMITATION ON PROJECT IMPLEMENTATION.*—*The*
6 *Secretary of the Army may not take beneficial occupancy*
7 *of more than 1,000 parking spaces provided by the com-*
8 *ination spaces provided by the BRAC 133 project and the*
9 *lease of spaces in the immediate vicinity of the BRAC 133*
10 *project until both of the following occur:*

11 (1) *The Secretary submits to the congressional*
12 *defense committees a viable transportation plan for*
13 *the BRAC 133 project.*

14 (2) *The Secretary certifies to the congressional*
15 *defense committees that construction has been com-*
16 *pleted to provide adequate ingress to and egress from*
17 *the business park at which the BRAC 133 project is*
18 *located.*

19 (b) *VIABILITY OF TRANSPORTATION PLAN.*—*To be con-*
20 *sidered a viable transportation plan under subsection*
21 *(a)(1), the transportation plan must provide for the ingress*
22 *and egress of all personnel to and from the BRAC 133*
23 *project site without further reducing the level of service at*
24 *the following six intersections:*

1 (1) *The intersection of Beauregard Street and*
2 *Mark Center Drive.*

3 (2) *The intersection of Beauregard Street and*
4 *Seminary Road.*

5 (3) *The intersection of Seminary Road and*
6 *Mark Center Drive.*

7 (4) *The intersection of Seminary Road and the*
8 *northbound entrance-ramp to I-395.*

9 (5) *The intersection of Seminary Road and the*
10 *northbound exit-ramp from I-395.*

11 (6) *The intersection of Seminary Road and the*
12 *southbound exit-ramp from I-395.*

13 (c) *INSPECTOR GENERAL REPORT.—Not later than*
14 *September 30, 2011, the Inspector General of the Depart-*
15 *ment of Defense shall submit to the congressional defense*
16 *committees a report evaluating the sufficiency and coordi-*
17 *nation conducted in completing the requisite environmental*
18 *studies associated with the site selection of the BRAC 133*
19 *project pursuant to the National Environmental Policy Act*
20 *of 1969 (42 U.S.C. 4321 et seq.). The Inspector General*
21 *shall give specific attention to the transportation deter-*
22 *minations associated with the BRAC 133 project and re-*
23 *view and provide comment on the Secretary of Army's*
24 *transportation plan and adherence to the limitations im-*
25 *posed by subsection (a).*

1 (d) *DEFINITIONS.—In this section:*

2 (1) *BRAC 133 PROJECT.—The term “BRAC 133*
3 *project” refers to the proposed office complex to be de-*
4 *veloped at an established mixed-use business park in*
5 *Alexandria, Virginia, to implement recommendation*
6 *133 of the Defense Base Closure and Realignment*
7 *Commission contained in the report of the Commis-*
8 *sion transmitted to Congress on September 15, 2005,*
9 *under section 2903(e) of the Defense Base Closure and*
10 *Realignment Act of 1990 (part A of title XXIX of*
11 *Public Law 101–510; 10 U.S.C. 2687 note).*

12 (2) *LEVEL OF SERVICE.—The term “level of serv-*
13 *ice” has the meaning given that term in the most-re-*
14 *cent Highway Capacity Manual of the Transpor-*
15 *tation 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 BE*
10 *PROVIDED.—Paragraph (2) of subsection (c) of section 2851*
11 *of title 10, United States Code, is amended—*

12 (1) *by striking subparagraph (F); and*

13 (2) *by redesignating subparagraphs (G) and (H)*
14 *as subparagraphs (F) and (G), respectively.*

15 (b) *EXPANDED AVAILABILITY OF INFORMATION.—Such*
16 *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 ac-*
23 *tivated by a person authorized under paragraph (3),*
24 *will permit the person” and inserting “that will per-*
25 *mit 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 following*
22 *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 housing*

1 *received under subsection (b)(3), less those expenses payable*
2 *pursuant to section 572(a) of title 40, to the Department*
3 *of Defense Family Housing Improvement Fund established*
4 *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, and*
8 *justification for, the transfer to the appropriate committees*
9 *of Congress or, if earlier, the end of the 14-day period begin-*
10 *ning on the date on which a copy of the notice and justifica-*
11 *tion is provided in an electronic medium pursuant to sec-*
12 *tion 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 han-*
18 *dling and disposal of family housing of a military de-*
19 *partment transferred to that Fund pursuant to sec-*
20 *tion 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 amend-*
25 *ed—*

1 (1) *in subsection (c), by striking “Secretary” the*
2 *first two places it appears and inserting “Secretary*
3 *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-financing*
10 *and initiation of construction services, which will be pro-*
11 *vided by the Department of Defense and are not otherwise*
12 *authorized by law, as an element of the excess North Atlan-*
13 *tic Treaty Organization Security Investment program con-*
14 *tributions 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 para-*
24 *graph:*

1 “(3) *The authority of the Secretary to use monies from*
2 *the Fund to support construction, repair, alteration, or re-*
3 *lated activities for the Pentagon Reservation expires on*
4 *September 30, 2012.*”.

5 **SEC. 2805. AUTHORITY TO USE OPERATION AND MAINTEN-**
6 **NANCE FUNDS FOR CONSTRUCTION**
7 **PROJECTS INSIDE THE UNITED STATES CEN-**
8 **TRAL COMMAND AREA OF RESPONSIBILITY.**

9 (a) *ONE-YEAR EXTENSION OF AUTHORITY.*—Sub-
10 *section (h) of section 2808 of the Military Construction Au-*
11 *thorization Act for Fiscal Year 2004 (division B of Public*
12 *Law 108–136; 117 Stat. 1723), as added by section 2806*
13 *of the Military Construction Authorization Act for Fiscal*
14 *Year 2010 (division B of Public Law 111–84; 123 Stat.*
15 *2662), is amended—*

16 (1) *in paragraph (1), by striking “September 30,*
17 *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 (a)(1)*
21 *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 “(1)*
6 *Before using”; and*

7 (3) *by adding at the end the following new para-*
8 *graph:*

9 “(2) *During fiscal year 2011, the Secretary of Defense*
10 *may waive the prenotification requirements under para-*
11 *graph (1) and section 2805(b) of title 10, United States*
12 *Code, with regard to a construction project carried out*
13 *under the authority of this section. In the case of any such*
14 *waiver, the Secretary of Defense shall include in the next*
15 *quarterly report submitted under subsection (d) the infor-*
16 *mation otherwise required in advance by subparagraphs*
17 *(A) through (D) of paragraph (1) with regard to the con-*
18 *struction project.”.*

19 (d) *ANNUAL LIMITATION ON USE OF AUTHORITY IN*
20 *AFGHANISTAN.—Subsection (c)(2) of such section is amend-*
21 *ed—*

22 (1) *by striking “\$300,000,000 in funds available*
23 *for operation and maintenance for fiscal year 2010*
24 *may be used in Afghanistan upon completing the*
25 *prenotification requirements under subsection (b)”*

1 *and inserting “\$100,000,000 in funds available for*
2 *operation and maintenance for fiscal year 2011 may*
3 *be used in Afghanistan subject to the notification re-*
4 *quirements under subsection (b)”;* and
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 Secretary*
14 *of Defense shall establish the Veterans to Work pilot pro-*
15 *gram 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 employment*
21 *of apprentices who are also veterans to include mili-*
22 *tary construction projects in addition to those projects*
23 *designated under subsection (b).*

1 “(2) *The Secretary of Defense shall establish and con-*
2 *duct the pilot program in consultation with the Secretary*
3 *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 des-*
7 *ignate for inclusion in the pilot program not less than 20*
8 *military construction projects (including unspecified minor*
9 *military construction projects under section 2805(a) of this*
10 *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 manner;*
18 *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 the
2 *Secretary of Defense enters into for a military construction*
3 *project that is designated for inclusion in the pilot program*
4 *shall ensure that—*

5 “(1) *to the maximum extent feasible, apprentices*
6 *who are also veterans are employed on that military*
7 *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 is*
12 *active, the Secretary of Defense shall submit to Congress a*
13 *report that includes the following:*

14 “(A) *The progress of designated military con-*
15 *struction projects and the role of apprentices who are*
16 *also veterans in achieving that progress.*

17 “(B) *Any challenges, difficulties, or problems en-*
18 *countered in recruiting veterans to become appren-*
19 *tices.*

20 “(C) *Cost differentials in the designated military*
21 *construction projects compared to similar projects*
22 *completed contemporaneously, but not designated for*
23 *the pilot program.*

24 “(D) *Evaluation of benefits derived from employ-*
25 *ing apprentices, including the following:*

1 “(i) Workforce sustainability.

2 “(ii) Workforce skills enhancement.

3 “(iii) Increased short- and long-term cost-ef-
4 fectiveness.

5 “(iv) Improved veteran employment in sus-
6 tainable wage fields.

7 “(E) Any other information the Secretary of De-
8 fense 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 the
13 military construction needs of the Armed Forces;

14 “(B) analyzes the effects of the pilot program on
15 veteran employment in sustainable wage fields or pro-
16 fessions; and

17 “(C) makes recommendations on the continu-
18 ation, modification, or expansion of the pilot program
19 on the basis of such factors as the Secretary of Defense
20 determines appropriate, including the following:

21 “(i) Workforce sustainability.

22 “(ii) Cost-effectiveness.

23 “(iii) Community development.

1 “(3) *The Secretary of Defense shall prepare the report*
2 *required by paragraph (2) in consultation with the Sec-*
3 *retary 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 a*
18 *qualified apprenticeship program (as defined in sub-*
19 *paragraph (A)) for a craft or trade classification of*
20 *workers that a prospective contractor or subcontractor*
21 *intends to employ for a military construction project*
22 *included in the pilot program is not operated in the*
23 *locality of the project, the Secretary of Labor may ex-*
24 *pend the definition of qualified apprenticeship pro-*
25 *gram to include another apprenticeship or training*

1 *program, so long as the apprenticeship or training*
2 *program is registered for Federal purposes with the*
3 *Office of Apprenticeship of the Department of Labor*
4 *or a State apprenticeship agency recognized by such*
5 *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 at*
13 *the beginning of such subchapter is amended by inserting*
14 *after the item relating to section 2856 the following new*
15 *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 10,*
22 *United States Code, is amended by inserting after “United*
23 *States” the following: “(other than a lease or license entered*
24 *into under section 2667(g) of this title)”.*

1 **(b) REPEAL OF ANNUAL REPORT ON MINOR REAL ES-**
2 **TATE TRANSACTIONS.**—*Subsection (b) of such section is re-*
3 *pealed.*

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 “This*
10 *section does not”.*

11 **(d) REPEAL OF NOTICE AND WAIT REQUIREMENT RE-**
12 **GARDING GSA LEASES OF SPACE FOR DOD.**—*Subsection*
13 *(e) of such section is repealed.*

14 **(e) ADDITIONAL REPORTING REQUIREMENTS REGARD-**
15 **ING LEASES OF REAL PROPERTY OWNED BY THE UNITED**
16 **STATES.**—*Such section is further amended by inserting*
17 *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 covered*
22 *by paragraph (1)(C) of subsection (a), the Secretary con-*
23 *cerned shall comply with the notice-and wait requirements*
24 *of paragraph (3) of such subsection before—*

1 “(A) *issuing a contract solicitation or other lease*
2 *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 (a)*
7 *shall include the following with regard to a proposed trans-*
8 *action covered by paragraph (1)(C) of such subsection:*

9 “(A) *A description of the proposed transaction,*
10 *including the proposed duration of the lease or li-*
11 *cence.*

12 “(B) *A description of the authorities to be used*
13 *in entering into the transaction.*

14 “(C) *A statement of the scored cost of the entire*
15 *transaction, determined using the scoring criteria of*
16 *the Office of Management and Budget.*

17 “(D) *A determination that the property involved*
18 *in the transaction is not excess property, as required*
19 *by section 2667(a)(3) of this title, including the basis*
20 *for the determination.*

21 “(E) *A determination that the proposed trans-*
22 *action is directly compatible with the mission of the*
23 *military installation or Defense Agency at which the*
24 *property is located and a description of the antici-*

1 *pated long-term use of the property at the conclusion*
2 *of the lease or license.*

3 *“(F) A description of the requirements or condi-*
4 *tions within the contract solicitation or other lease of-*
5 *fering for the person making the offer to address tax-*
6 *ation issues, including payments-in-lieu-of taxes, and*
7 *other development issues related to local municipali-*
8 *ties.*

9 *“(G) If the proposed lease involves a project re-*
10 *lated to energy production, a certification by the Sec-*
11 *retary of Defense that the project, as it will be speci-*
12 *fied in the contract solicitation or other lease offering,*
13 *is consistent with the Department of Defense perform-*
14 *ance goals and plan required by section 2911 of this*
15 *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 fol-*
22 *lowing with regard to the proposed transaction:*

23 *“(A) A cross reference to the prior report that*
24 *contained the information submitted under paragraph*
25 *(2) with respect to the transaction.*

1 “(B) A description of the differences between the
2 information submitted under paragraph (2) and the
3 information regarding the transaction being sub-
4 mitted in the subsequent report.

5 “(C) A description of the payment to be required
6 in connection with the lease or license, including a
7 description of any in-kind consideration that will be
8 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 fa-
12 cility will be operated by a covered entity (as defined
13 in section 2667(d) of this title) or the lessee or the
14 services will be provided by a covered entity or the
15 lessee.

16 “(E) A description of the competitive procedures
17 used to select the lessee or, in the case of a lease in-
18 volving the public benefit exception authorized by sec-
19 tion 2667(h)(2) of this title, a description of the pub-
20 lic benefit to be served by the lease.”.

21 (f) *CONFORMING AMENDMENTS.*—Such section is fur-
22 ther 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 con-*
2 *cerned submits”;* and

3 *(B) in paragraph (3), by striking “the Sec-*
4 *retary of a military department or the Secretary*
5 *of Defense” and inserting “the Secretary con-*
6 *cerned”;*

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 the*
11 *reporting requirement set forth in subsection (e)*
12 *shall not apply with respect to a real property*
13 *transaction otherwise covered by that sub-*
14 *section,”;*

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 sec-*
21 *tion, the term ‘Secretary concerned’ includes, with respect*
22 *to Defense Agencies, the Secretary of Defense.”.*

23 *(g) CONFORMING AMENDMENTS TO LEASE OF NON-EX-*
24 *CESS PROPERTY AUTHORITY.—Section 2667 of such title*
25 *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); and

7 (B) by redesignating paragraph (4) as
8 paragraph (3).

9 **SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM**
10 **LEASES OF NON-EXCESS PROPERTY INVOLV-**
11 **ING MILITARY MUSEUMS.**

12 Section 2667(e)(1) of title 10, United States Code, as
13 amended by section 2811(g), is amended by inserting after
14 subparagraph (D) the following new subparagraph (E):

15 “(E) If the proceeds deposited in the special account
16 established for the Secretary concerned are derived from ac-
17 tivities associated with a military museum described in sec-
18 tion 489(a) of this title, the proceeds shall be available for
19 activities described in subparagraph (C) only at that mu-
20 seum.”.

21 **SEC. 2813. REPEAL OF EXPIRED AUTHORITY TO LEASE**
22 **LAND FOR SPECIAL OPERATIONS ACTIVITIES.**

23 (a) **REPEAL.**—Section 2680 of title 10, United States
24 Code, is repealed.

1 (b) *EFFECT OF REPEAL.*—*The amendment made by*
2 *subsection (a) shall not affect the validity of any contract*
3 *entered into under section 2680 of title 10, United States*
4 *Code, on or before September 30, 2005.*

5 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
6 *the beginning of chapter 159 of such title is amended by*
7 *striking the item relating to section 2680.*

8 **SEC. 2814. FORMER NAVAL BOMBARDMENT AREA, CULEBRA**
9 **ISLAND, PUERTO RICO.**

10 (a) *IN GENERAL.*—*Notwithstanding section 204(c) of*
11 *the Military Construction Authorization Act, 1974 (Public*
12 *Law 93–166; 87 Stat. 668), and paragraph 9 of the quit-*
13 *claim deed relating to the island of Culebra in the Common-*
14 *wealth of Puerto Rico, the Secretary of Defense—*

15 (1) *may provide for the removal of any*
16 *unexploded ordnance and munitions scrap on that*
17 *portion of Flamenco Beach located within the former*
18 *bombardment area of the island; and*

19 (2) *shall conduct a study relating to the presence*
20 *of unexploded ordnance in the former bombardment*
21 *area transferred to the Commonwealth, with the ex-*
22 *ception of the area referred to in paragraph (1).*

23 (b) *CONTENTS OF STUDY.*—*The study required by sub-*
24 *section (a)(2) shall include the following:*

1 (1) *An estimate of the type and amount of*
2 *unexploded ordnance.*

3 (2) *An estimate of the cost of removing*
4 *unexploded ordnance.*

5 (3) *An examination of the impact of such re-*
6 *moval on any endangered or threatened species and*
7 *their habitat*

8 (4) *An examination of current public access to*
9 *the former bombardment area.*

10 (5) *An examination of any threats to public*
11 *health or safety and the environment from unexploded*
12 *ordnance.*

13 (c) *CONSULTATION WITH COMMONWEALTH.*—*In con-*
14 *ducting the study under subsection (a)(2), the Secretary of*
15 *Defense shall consult with the Commonwealth regarding the*
16 *Commonwealth's planned future uses of the former bom-*
17 *bardment area. The Secretary shall consider the Common-*
18 *wealth's planned future uses in developing any conclusions*
19 *or recommendations the Secretary may include in the*
20 *study.*

21 (d) *SUBMISSION OF REPORT.*—*Not later than one year*
22 *after the date of the enactment of this Act, the Secretary*
23 *of Defense shall submit to the congressional defense commit-*
24 *tees a report containing the results of the study conducted*
25 *under subsection (a)(2).*

1 (e) *DEFINITIONS.*—*In this section:*

2 (1) *The term “quitclaim deed” refers to the quit-*
3 *claim deed from the United States to the Common-*
4 *wealth of Puerto Rico, signed by the Secretary of the*
5 *Interior on August 11, 1982, for that portion of Tract*
6 *(1b) consisting of the former bombardment area on*
7 *the island of Culebra, Puerto Rico.*

8 (2) *The term “unexploded ordnance” has the*
9 *meaning given that term by section 101(e)(5) of title*
10 *10, United States Code.*

11 ***Subtitle C—Provisions Related to***
12 ***Guam Realignment***

13 ***SEC. 2821. SENSE OF CONGRESS REGARDING IMPORTANCE***
14 ***OF PROVIDING COMMUNITY ADJUSTMENT AS-***
15 ***SISTANCE TO GOVERNMENT OF GUAM.***

16 *It is the Sense of Congress that—*

17 (1) *for national security reasons, the United*
18 *States is required from time to time to construct*
19 *major, new military installations despite the serious*
20 *adverse impacts that the installations will have on the*
21 *communities and the areas in which the installations*
22 *are constructed; and*

23 (2) *neither the impacted local governments nor*
24 *the communities in which the installations are con-*

1 *structed should be expected to bear the full cost of*
2 *mitigating such adverse impacts.*

3 **SEC. 2822. DEPARTMENT OF DEFENSE ASSISTANCE FOR**
4 **COMMUNITY ADJUSTMENTS RELATED TO RE-**
5 **ALIGNMENT OF MILITARY INSTALLATIONS**
6 **AND RELOCATION OF MILITARY PERSONNEL**
7 **ON GUAM.**

8 *(a) TEMPORARY ASSISTANCE AUTHORIZED.—*

9 *(1) ASSISTANCE TO GOVERNMENT OF GUAM.—*

10 *The Secretary of Defense may assist the Government*
11 *of Guam in meeting the costs of providing increased*
12 *municipal services and facilities required as a result*
13 *of the realignment of military installations and the*
14 *relocation of military personnel on Guam (in this sec-*
15 *tion referred to as the “Guam realignment”) if the*
16 *Secretary determines that an unfair and excessive fi-*
17 *nancial burden will be incurred by the Government of*
18 *Guam to provide the services and facilities in the ab-*
19 *sence of the Department of Defense assistance.*

20 *(2) MITIGATION OF IDENTIFIED IMPACTS.—The*
21 *Secretary of Defense may take such actions as the*
22 *Secretary considers to be appropriate to mitigate the*
23 *significant impacts identified in the Record of Deci-*
24 *sion of the “Guam and CNMI Military Relocation*
25 *Environmental Impact Statement” by providing in-*

1 *creased municipal services and facilities to activities*
2 *that directly support the Guam realignment.*

3 *(b) METHODS TO PROVIDE ASSISTANCE.—*

4 *(1) USE OF EXISTING PROGRAMS.—The Sec-*
5 *retary of Defense shall carry out subsection (a)*
6 *through existing Federal programs.*

7 *(2) TRANSFER AUTHORITY.—To the extent nec-*
8 *essary to carry out subsection (a), the Secretary may*
9 *transfer appropriated funds available to the Depart-*
10 *ment of Defense or a military department for oper-*
11 *ation and maintenance to supplement funds made*
12 *available to Guam under a Federal program. The*
13 *transfer authority provided by this paragraph is in*
14 *addition to the transfer authority provided by section*
15 *1001. Amounts so transferred shall be merged with*
16 *and be available for the same purposes as the appro-*
17 *priation to which transferred.*

18 *(3) COST SHARE ASSISTANCE.— The Secretary*
19 *may use appropriated amounts referred to in para-*
20 *graph (2) to provide financial assistance to the Gov-*
21 *ernment of Guam to assist the Government of Guam*
22 *to pay its share of the costs under Federal programs*
23 *utilized by the Secretary under paragraph (1).*

24 *(c) LIMITATION ON PROVISION OF ASSISTANCE.—The*
25 *total cost of the construction of facilities carried out uti-*

1 *lizing the authority provided by subsection (a) may not ex-*
2 *ceed \$500,000,000.*

3 *(d) SPECIAL CONSIDERATIONS.—In determining the*
4 *amount of financial assistance to be made available under*
5 *this section to the Government of Guam for any community*
6 *service or facility, the Secretary of Defense shall consult*
7 *with the head of the department or agency of the Federal*
8 *Government concerned with the type of service or facility*
9 *for which financial assistance is being made available and*
10 *shall take into consideration—*

11 *(1) the time lag between the initial impact of in-*
12 *creased population on Guam and any increase in the*
13 *local tax base that will result from such increased*
14 *population;*

15 *(2) the possible temporary nature of the in-*
16 *creased population and the long-range cost impact on*
17 *the permanent residents of Guam; and*

18 *(3) such other pertinent factors as the Secretary*
19 *of Defense considers appropriate.*

20 *(e) PROGRESS REPORTS REQUIRED.—The Secretary*
21 *of Defense shall submit to the Committees on Armed Serv-*
22 *ices of the Senate and the House of Representatives semi-*
23 *annual reports indicating the total amount expended under*
24 *the authority of this section during the preceding six-month*
25 *period, the specific projects for which assistance was pro-*

1 *vided during such period, and the total amount provided*
2 *for each project during such period.*

3 *(f) TERMINATION.—The authority to provide assist-*
4 *ance under subsection (a) expires September 30, 2017.*
5 *Amounts obligated before that date may be expended after*
6 *that date.*

7 **SEC. 2823. EXTENSION OF TERM OF DEPUTY SECRETARY OF**
8 **DEFENSE’S LEADERSHIP OF GUAM OVER-**
9 **SIGHT COUNCIL.**

10 *Subsection (d) of section 132 of title 10, United States*
11 *Code, as added by section 2831(a) of the National Defense*
12 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
13 *84; 123 Stat. 2669), is amended by striking “September 30,*
14 *2015” and inserting “September 30, 2020”.*

15 **SEC. 2824. UTILITY CONVEYANCES TO SUPPORT INTE-**
16 **GRATED WATER AND WASTEWATER TREAT-**
17 **MENT SYSTEM ON GUAM.**

18 *(a) CONVEYANCE OF UTILITIES.—The Secretary of De-*
19 *fense may convey to the Guam Waterworks Authority (in*
20 *this section referred to as the “Authority”) all right, title,*
21 *and interest of the United States in and to the water and*
22 *wastewater treatment utility systems on Guam, including*
23 *the Fena Reservoir, for the purpose of establishing an inte-*
24 *grated water and wastewater treatment system on Guam.*

25 *(b) CONSIDERATION.—*

1 (1) *CONSIDERATION REQUIRED.*—As consider-
2 ation for the conveyance of the water and wastewater
3 treatment utility systems on Guam, the Authority
4 shall pay to the Secretary of Defense an amount equal
5 to the fair market value of the utility infrastructure
6 to be conveyed, as determined pursuant to an agree-
7 ment between the Secretary and the Authority.

8 (2) *DEFERRED PAYMENTS.*—At the discretion of
9 the Authority, the Authority may elect to pay the con-
10 sideration determined under paragraph (1) in equal
11 annual payments over a period of not more than 25
12 years, starting with the first year beginning after the
13 date of the conveyance of the water and wastewater
14 treatment utility systems to the Authority.

15 (3) *ACCEPTANCE OF IN-KIND SERVICES.*—The
16 consideration required by paragraph (1) may be paid
17 in cash or in-kind, as acceptable to the Secretary of
18 Defense. The Secretary of Defense, in consultation
19 with the Secretary of the Interior, shall consider the
20 value of in-kind services provided by the Government
21 of Guam pursuant to section 311 of the Compact of
22 Free Association between the Government of the
23 United States and the Government of the Federated
24 States of Micronesia, approved by Congress in the
25 Compact of Free Association Amendments Act of 2003

1 *(Public Law 108–188; 117 Stat. 2781), section 311 of*
2 *the Compact of Free Association between the Govern-*
3 *ment of the United States and the Government of the*
4 *Republic of the Marshall Islands, approved by Con-*
5 *gress in such Act, and the Compact of Free Associa-*
6 *tion between the Government of the United States and*
7 *the Government of the Republic of Palau, approved by*
8 *Congress in the Palau Compact of Free Association*
9 *Act (Public Law 99–658; 100 Stat. 3672).*

10 *(c) CONDITION OF CONVEYANCE.—As a condition of*
11 *the conveyance under subsection (a), the Secretary of De-*
12 *fense must obtain at least a 33 percent voting representa-*
13 *tion on the Guam Consolidated Commission on Utilities,*
14 *including a proportional representation as chairperson of*
15 *the Commission.*

16 *(d) IMPLEMENTATION REPORT.—*

17 *(1) REPORT REQUIRED.—If the Secretary of De-*
18 *fense determines to use the authority provided by sub-*
19 *section (a) to convey the water and wastewater treat-*
20 *ment utility systems to the Authority, the Secretary*
21 *shall submit to the congressional defense committees a*
22 *report containing—*

23 *(A) a description of the actions needed to ef-*
24 *ficently convey the water and wastewater treat-*
25 *ment utility systems to the Authority; and*

1 (B) *an estimate of the cost of the convey-*
2 *ance.*

3 (2) *SUBMISSION.—The Secretary shall submit*
4 *the report not later than 30 days after the date on*
5 *which the Secretary makes the determination trig-*
6 *gering the report requirement.*

7 (e) *NEW WATER SYSTEMS.—If the Secretary of De-*
8 *fense determines to use the authority provided by subsection*
9 *(a) to convey the water and wastewater treatment utility*
10 *systems to the Authority, the Secretary shall also enter into*
11 *an agreement with the Authority, under which the Author-*
12 *ity will manage and operate any water well or wastewater*
13 *treatment plant that is constructed by the Secretary of a*
14 *military department on Guam on or after the date of the*
15 *enactment of this Act.*

16 (f) *ADDITIONAL TERM AND CONDITIONS.—The Sec-*
17 *retary of Defense may require such additional terms and*
18 *conditions in connection with the conveyance under this*
19 *section as the Secretary considers appropriate to protect the*
20 *interests of the United States.*

21 (g) *TECHNICAL ASSISTANCE.—*

22 (1) *ASSISTANCE AUTHORIZED; REIMBURSE-*
23 *MENT.—The Secretary of the Interior, acting through*
24 *the Commissioner of the Bureau of Reclamation, may*
25 *provide technical assistance to the Secretary of De-*

1 *fense and the Authority regarding the development of*
2 *plans for the design, construction, operation, and*
3 *maintenance of integrated water and wastewater*
4 *treatment utility systems on Guam.*

5 (2) *CONTRACTING AUTHORITY; CONDITION.—The*
6 *Secretary of the Interior, acting through the Commis-*
7 *sioner of the Bureau of Reclamation, may enter into*
8 *memoranda of understanding, cooperative agreements,*
9 *and other agreements with the Secretary of Defense to*
10 *provide technical assistance as described in para-*
11 *graph (1) under such terms and conditions as the*
12 *Secretary of the Interior and the Secretary of Defense*
13 *consider appropriate, except that costs incurred by*
14 *the Secretary of the Interior to provide technical as-*
15 *sistance under paragraph (1) shall be covered by the*
16 *Secretary of Defense.*

17 (3) *REPORT AND OTHER ASSISTANCE.—Not later*
18 *than one year after date of the enactment of this Act,*
19 *the Secretary of the Interior and the Secretary of De-*
20 *fense shall submit to the congressional defense com-*
21 *mittees, the Committee on Natural Resources of the*
22 *House of Representatives, and the Committee on En-*
23 *ergy and Natural Resources of the Senate a report de-*
24 *tailing the following:*

1 (A) *Any technical assistance provided under*
2 *paragraph (1) and information pertaining to*
3 *any memoranda of understanding, cooperative*
4 *agreements, and other agreements entered into*
5 *pursuant to paragraph (2).*

6 (B) *An assessment of water and wastewater*
7 *systems on Guam, including cost estimates and*
8 *budget authority, including authorities available*
9 *under the Acts of June 17, 1902, and June 12,*
10 *1906 (popularly known as the Reclamation Act;*
11 *43 U.S.C. 391) and other authority available to*
12 *the Secretary of the Interior, for financing the*
13 *design, construction, operation, and maintenance*
14 *of such systems.*

15 (C) *The needs related to water and waste-*
16 *water infrastructure on Guam and the protection*
17 *of water resources on Guam identified by the Au-*
18 *thority.*

19 **SEC. 2825. REPORT ON TYPES OF FACILITIES REQUIRED TO**
20 **SUPPORT GUAM REALIGNMENT.**

21 (a) *REPORT REQUIRED.*—*Not later than 180 days*
22 *after the date of the enactment of the Act, the Secretary*
23 *of Defense shall submit to the congressional defense commit-*
24 *tees a report on the structural integrity of facilities required*

1 *to support the realignment of military installations and the*
2 *relocation of military personnel on Guam.*

3 (b) *CONTENTS OF REPORT.*—*The report required by*
4 *subsection (a) shall contain the following elements:*

5 (1) *A threat assessment to the realigned forces,*
6 *including natural and manmade threats.*

7 (2) *An evaluation of the types of facilities and*
8 *the enhanced structural requirements required to deter*
9 *the threat assessment specified in paragraph (1).*

10 (3) *An assessment of the costs associated with the*
11 *enhanced structural requirements specified in para-*
12 *graph (2).*

13 **SEC. 2826. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS**
14 **FOR GUAM.**

15 (a) *REPORT REQUIRED.*—*The Secretary of the Interior*
16 *shall prepare a report—*

17 (1) *detailing the civilian infrastructure improve-*
18 *ments needed on Guam to directly and indirectly sup-*
19 *port and sustain the realignment of military installa-*
20 *tions and the relocation of military personnel on*
21 *Guam; and*

22 (2) *identifying, to the maximum extent prac-*
23 *tical, the potential funding sources for such improve-*
24 *ments from other Federal departments and agencies*

1 *and from existing authorities and funds within the*
2 *Department of Defense.*

3 (b) *CONSULTATION.*—*The Secretary of the Interior*
4 *shall prepare the report required by subsection (a) in con-*
5 *sultation with the Secretary of Defense, the Government of*
6 *Guam, and the Interagency Group on the Insular Areas es-*
7 *tablished by Executive Order 13537.*

8 (c) *SUBMISSION.*—*The Secretary of the Interior shall*
9 *submit the report required by subsection (a) to the congres-*
10 *sional defense committees and the Committee on Natural*
11 *Resources of the House of Representatives, and the Com-*
12 *mittee on Energy and Natural Resources of the Senate not*
13 *later than 180 days after the date of the enactment of this*
14 *Act.*

15 **SEC. 2827. COMPTROLLER GENERAL REPORT ON PLANNED**
16 **REPLACEMENT NAVAL HOSPITAL ON GUAM.**

17 (a) *ASSESSMENT REQUIRED.*—*The Comptroller Gen-*
18 *eral of the United States shall review and assess the pro-*
19 *posed replacement Naval Hospital on Guam to determine*
20 *whether the size and scope of the hospital will be sufficient*
21 *to support the current and projected military mission re-*
22 *quirements and Department of Defense beneficiary popu-*
23 *lation on Guam.*

24 (b) *REPORT.*—*Not later than 180 days after the date*
25 *of the enactment of this Act, the Comptroller General shall*

1 *submit to the congressional defense committees a report con-*
2 *taining the results of the review and assessment under sub-*
3 *section (a).*

4 ***Subtitle D—Energy Security***

5 ***SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUS-*** 6 ***TAINABLE PRACTICES IN DEPARTMENT EN-*** 7 ***ERGY PERFORMANCE PLAN.***

8 *Section 2911(c) of title 10, United States Code, is*
9 *amended—*

10 *(1) in paragraph (4), by inserting “and hybrid-*
11 *electric drive” after “alternative fuels”;*

12 *(2) by redesignating paragraph (9) as para-*
13 *graph (11) and paragraphs (5) through (8) as para-*
14 *graphs (6) through (9), respectively;*

15 *(3) by inserting after paragraph (4) the fol-*
16 *lowing new paragraph:*

17 *“(5) Opportunities for the high-performance con-*
18 *struction, lease, operation, and maintenance of build-*
19 *ings.”; and*

20 *(4) by inserting after paragraph (9) (as redesign-*
21 *ated by paragraph (2)) the following new para-*
22 *graph:*

23 *“(10) The value of incorporating electric, hybrid-*
24 *electric, and high efficiency vehicles into vehicle*
25 *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 Code,*
21 *as added by subsection (a).*

22 **SEC. 2833. INSULATION RETROFITTING ASSESSMENT FOR**
23 **DEPARTMENT OF DEFENSE FACILITIES.**

24 (a) *SUBMISSION AND CONTENTS OF INSULATION RET-*
25 *ROFITTING ASSESSMENT.*—*Not later than one year after the*
26 *date of the enactment of this Act, the Secretary of Defense*

1 *shall submit to the Committees on Armed Services of the*
2 *Senate and House of Representatives an assessment con-*
3 *taining an estimate of—*

4 *(1) the number of Department of Defense facili-*
5 *ties described in subsection (b); and*

6 *(2) the overall cost savings and energy savings to*
7 *the Department that would result from retrofitting*
8 *those facilities with improved insulation.*

9 *(b) FACILITIES INCLUDED IN ASSESSMENT.—The as-*
10 *essment requirement in subsection (a) shall apply with re-*
11 *spect to each Department of Defense facility the retrofitting*
12 *of which (as described in such subsection) would result, over*
13 *the remaining expected life of the facility, in an amount*
14 *of cost savings that is at least twice the amount of the cost*
15 *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 the*
21 *Air Force may convey to the Fairbanks North Star Bor-*
22 *ough, Alaska (in this section referred to as the “Borough”),*
23 *personal property acquired for the Eielson Air Force Base*
24 *Alternate Energy Source Program to be used for a waste-*
25 *to-energy power plant that would generate electricity*

1 *through the burning of waste generated by the Borough,*
2 *Eielson Air Force Base, and other Federal facilities or State*
3 *or local government entities.*

4 (b) *CONSIDERATION.*—*As consideration for the convey-*
5 *ance of personal property under subsection (a), the Sec-*
6 *retary shall require the Borough to offset Eielson Air Force*
7 *Base waste disposal fees by the fair market value of the con-*
8 *veyed property.*

9 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
10 *retary may require such additional terms and conditions*
11 *in connection with the conveyance under subsection (a) as*
12 *the Secretary considers appropriate to protect the interests*
13 *of the United States.*

14 **SEC. 2842. LAND CONVEYANCE, WHITTIER PETROLEUM, OIL,**
15 **AND LUBRICANT TANK FARM, WHITTIER,**
16 **ALASKA.**

17 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
18 *Army may convey, without consideration, to the City of*
19 *Whittier, Alaska (in this section referred to as the “City”),*
20 *all right, title, and interest of the United States in and to*
21 *parcels of real property, including any improvements there-*
22 *on, consisting of approximately 31 acres at the Whittier*
23 *Petroleum, Oil, and Lubricant Tank Farm, Whittier, Alas-*
24 *ka, for the purpose of permitting the City to use the prop-*
25 *erty 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 *curring by the Secretary, to carry out the conveyance*
6 *under subsection (a), including survey costs, costs re-*
7 *lated to environmental documentation, and other ad-*
8 *ministrative 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 that*
12 *was used to cover the costs incurred by the Secretary*
13 *in carrying out the conveyance. Amounts so credited*
14 *shall be merged with amounts in such fund or account*
15 *and shall be available for the same purposes, and sub-*
16 *ject to the same conditions and limitations, as*
17 *amounts in such fund or account.*

18 **(c) SAVINGS PROVISION.—***Nothing in this section shall*
19 *be construed to affect or limit the application of, or any*
20 *obligation to comply with, any environmental law, includ-*
21 *ing the Comprehensive Environmental Response, Com-*
22 *ensation, and Liability Act of 1980 (42 U.S.C. 9601 et*
23 *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 Sec-*
6 *retary may require such additional terms and conditions*
7 *in connection with the conveyance under subsection (a), in-*
8 *cluding easements or covenants to protect cultural or nat-*
9 *ural resources, as the Secretary considers appropriate to*
10 *protect the interests of the United States.*

11 **SEC. 2843. LAND CONVEYANCE, FORT KNOX, KENTUCKY.**

12 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
13 *Army may convey, without consideration, to the Depart-*
14 *ment of Veterans Affairs of the Commonwealth of Kentucky*
15 *(in this section referred to as the “Department”) all right,*
16 *title, and interest of the United States in and to a parcel*
17 *of real property, including any improvements thereon, con-*
18 *sisting of approximately 194 acres at Fort Knox, Kentucky,*
19 *for the purpose of permitting the Department to establish*
20 *and operate a State veterans home and future expansion*
21 *of the adjacent State veterans cemetery for veterans and eli-*
22 *gible family members of the Armed Forces.*

23 (b) *REIMBURSEMENT FOR COSTS OF CONVEYANCE.*—
24 (1) *The Department shall reimburse the Secretary for any*
25 *costs incurred by the Secretary in making the conveyance*

1 *under subsection (a), including costs related to environ-*
2 *mental documentation and other administrative costs. This*
3 *paragraph does not apply to costs associated with the envi-*
4 *ronmental remediation of the property to be conveyed.*

5 (2) *Amounts received as reimbursement under para-*
6 *graph (1) shall be credited to the fund or account that was*
7 *used to cover the costs incurred by the Secretary in carrying*
8 *out the conveyance. Amounts so credited shall be merged*
9 *with amounts in such fund or account and shall be avail-*
10 *able for the same purposes, and subject to the same condi-*
11 *tions and limitations, as other amounts in such fund or*
12 *account.*

13 (c) *DESCRIPTION OF PROPERTY.—The exact acreage*
14 *and legal description of the real property to be conveyed*
15 *under subsection (a) shall be determined by a survey satis-*
16 *factory to the Secretary.*

17 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
18 *retary may require such additional terms and conditions*
19 *in connection with the conveyance under subsection (a), as*
20 *the Secretary considers appropriate to protect the interests*
21 *of the United States.*

22 **SEC. 2844. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY**
23 **(WEST BANK), NEW ORLEANS, LOUISIANA.**

24 (a) *CONVEYANCE AUTHORIZED.—Except as provided*
25 *in subsection (b), the Secretary of the Navy may convey*

1 *to the Algiers Development District all right, title, and in-*
2 *terest of the United States in and to the real property com-*
3 *prising the Naval Support Activity (West Bank), New Orle-*
4 *ans, Louisiana, including—*

5 *(1) any improvements and facilities on the real*
6 *property; and*

7 *(2) available personal property on the real prop-*
8 *erty.*

9 *(b) CERTAIN PROPERTY EXCLUDED.—The conveyance*
10 *under subsection (a) may not include—*

11 *(1) the approximately 29-acre area known as the*
12 *Secured Area of the real property described in such*
13 *subsection, which shall remain subject to the Lease;*
14 *and*

15 *(2) the Quarters A site, which is located at Sanc-*
16 *tuary Drive, as determined by a survey satisfactory*
17 *to the Secretary of the Navy.*

18 *(c) DESCRIPTION OF PROPERTY.—The exact acreage*
19 *and legal description of the real property to be conveyed*
20 *under subsection (a) shall be determined by a survey satis-*
21 *factory to the Secretary of the Navy.*

22 *(d) TIMING.—The authority provided in subsection (a)*
23 *may only be exercised after—*

1 (1) *the Secretary of the Navy determines that the*
2 *property described in subsection (a) is no longer need-*
3 *ed by the Department of the Navy; and*

4 (2) *the Algiers Development District delivers the*
5 *full consideration as required by Article 3 of the*
6 *Lease.*

7 (e) *CONDITION OF CONVEYANCE.—The conveyance au-*
8 *thorized by subsection (a) shall include a condition that ex-*
9 *pressly prohibits any use of the property that would inter-*
10 *ferre or otherwise restrict operations of the Department of*
11 *the Navy in the Secured Area referred to in subsection (b),*
12 *as determined by the Secretary of the Navy.*

13 (f) *SUBSEQUENT CONVEYANCE OF SECURED AREA.—*
14 *If at any time the Secretary of the Navy determines and*
15 *notifies the Algiers Development District that there is no*
16 *longer a continuing requirement to occupy or otherwise con-*
17 *trol the Secured Area referred to in subsection (b) to support*
18 *the mission of the Marine Forces Reserve or other com-*
19 *parable Marine Corps use, the Secretary may convey to the*
20 *Algiers Development District the Secured Area and the any*
21 *improvements situated thereon.*

22 (g) *SUBSEQUENT CONVEYANCE OF QUARTERS A.—If*
23 *at any time the Secretary of the Navy determines that the*
24 *Department of the Navy no longer has a continuing require-*
25 *ment for general officers quarters to be located on the Quar-*

1 *ters A site referred to in subsection (b) or the Department*
2 *of the Navy elects or offers to transfer, sell, lease, assign,*
3 *gift or otherwise convey any or all of the Quarters A site*
4 *or any improvements thereon to any third party, the Sec-*
5 *retary may convey to the Algiers Development District the*
6 *real property containing the Quarters A site.*

7 *(h) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
8 *retary of the Navy may require such additional terms and*
9 *conditions in connection with the conveyance of property*
10 *under this section, consistent with the Lease, as the Sec-*
11 *retary considers appropriate to protect the interest of the*
12 *United States.*

13 *(i) DEFINITIONS.—In this section:*

14 *(1) The term “Algiers Development District”*
15 *means the Algiers Development District, a local polit-*
16 *ical subdivision of the State of Louisiana.*

17 *(2) The term “Lease” means that certain Real*
18 *Estate Lease for Naval Support Activity New Orle-*
19 *ans, West Bank, New Orleans, Louisiana, Lease No.*
20 *N47692–08–RP–08P30, by and between the United*
21 *States, acting by and through the Department of the*
22 *Navy, and the Algiers Development District dated*
23 *September 30, 2008.*

1 **SEC. 2845. LAND CONVEYANCE, FORMER NAVY EXTREMELY**
2 **LOW FREQUENCY COMMUNICATIONS**
3 **PROJECT SITE, REPUBLIC, MICHIGAN.**

4 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
5 *Navy may convey, without consideration, to Humboldt*
6 *Township in Marquette County, Michigan, all right, title,*
7 *and interest of the United States in and to a parcel of real*
8 *property, including any improvements thereon, in Repub-*
9 *lic, Michigan, consisting of approximately seven acres and*
10 *formerly used as an Extremely Low Frequency communica-*
11 *tions project site, for the purpose of permitting the Town-*
12 *ship to use the property for local public activities.*

13 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
14 *and legal description of the real property to be conveyed*
15 *under subsection (a) shall be determined by a survey satis-*
16 *factory to the Secretary.*

17 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
18 *retary may require such additional terms and conditions*
19 *in connection with the conveyance under subsection (a) as*
20 *the Secretary considers appropriate to protect the interests*
21 *of the United States.*

22 **SEC. 2846. LAND CONVEYANCE, MARINE FORCES RESERVE**
23 **CENTER, WILMINGTON, NORTH CAROLINA.**

24 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
25 *Navy may convey to the North Carolina State Port Author-*
26 *ity of Wilmington, North Carolina (in this section referred*

1 *to as the “Port Authority”), all right, title, and interest*
2 *of the United States in and to a parcel of real property,*
3 *including any improvements thereon, consisting of approxi-*
4 *mately 3.03 acres and known as the Marine Forces Reserve*
5 *Center in Wilmington, North Carolina, for the purpose of*
6 *permitting the Port Authority to use the parcel for develop-*
7 *ment of a port facility and for other public purposes.*

8 **(b) INCLUSION OF PERSONAL PROPERTY.**—*The Sec-*
9 *retary of the Navy may include as part of the conveyance*
10 *under subsection (a) personal property of the Navy at the*
11 *Marine Forces Reserve Center that the Secretary of Trans-*
12 *portation recommends is appropriate for the development*
13 *or operation of the port facility and the Secretary of the*
14 *Navy agrees is excess to the needs of the Navy.*

15 **(c) INTERIM LEASE.**—*Until such time as the real*
16 *property described in subsection (a) is conveyed by deed,*
17 *the Secretary of the Navy may lease the property to the*
18 *Port Authority.*

19 **(d) CONSIDERATION.**—

20 **(1) CONVEYANCE.**—*The conveyance under sub-*
21 *section (a) shall be made without consideration as a*
22 *public benefit conveyance for port development if the*
23 *Secretary of the Navy determines that the Port Au-*
24 *thority satisfies the criteria specified in section 554 of*
25 *title 40, United States Code, and regulations pre-*

1 *scribed to implement such section. If the Secretary de-*
2 *termines that the Port Authority fails to qualify for*
3 *a public benefit conveyance, but still desires to ac-*
4 *quire the property, the Port Authority shall pay to*
5 *the United States an amount equal to the fair market*
6 *value of the property to be conveyed. The fair market*
7 *value of the property shall be determined by the Sec-*
8 *retary.*

9 (2) *LEASE.—The Secretary of the Navy may ac-*
10 *cept as consideration for a lease of the property under*
11 *subsection (c) an amount that is less than fair market*
12 *value if the Secretary determines that the public in-*
13 *terest will be served as a result of the lease.*

14 (e) *DESCRIPTION OF PROPERTY.—The exact acreage*
15 *and legal description of the property to be conveyed under*
16 *subsection (a) shall be determined by a survey satisfactory*
17 *to the Secretary of the Navy and the Port Authority. The*
18 *cost of such survey shall be borne by the Port Authority.*

19 (f) *ADDITIONAL TERMS.—The Secretary of the Navy*
20 *may require such additional terms and conditions in con-*
21 *nection with the conveyance as the Secretary considers ap-*
22 *propriate to protect the interests of the United States.*

1 ***Subtitle F—Other Matters***

2 ***SEC. 2851. REQUIREMENTS RELATED TO PROVIDING***
3 ***WORLD CLASS MILITARY MEDICAL FACILI-***
4 ***TIES.***

5 (a) *UNIFIED CONSTRUCTION STANDARD FOR MILI-*
6 *TARY CONSTRUCTION AND REPAIRS TO MILITARY MEDICAL*
7 *FACILITIES.*—*Not later than 90 days after the date of the*
8 *enactment of this Act, the Secretary of Defense shall estab-*
9 *lish a unified construction standard for military construc-*
10 *tion and repairs for military medical facilities that pro-*
11 *vides a single standard of care. This standard shall also*
12 *include a size standard for operating rooms and patient*
13 *recovery rooms.*

14 (b) *INDEPENDENT REVIEW PANEL.*—

15 (1) *ESTABLISHMENT; PURPOSE.*—*The Secretary*
16 *of Defense shall establish an independent advisory*
17 *panel for the purpose of—*

18 (A) *advising the Secretary regarding wheth-*
19 *er the Comprehensive Master Plan for the Na-*
20 *tional Capital Region Medical, dated April*
21 *2010, is adequate to fulfill statutory require-*
22 *ments, as required by section 2714 of the Mili-*
23 *tary Construction Authorization Act for Fiscal*
24 *Year 2010 (division B of Public Law 111–84;*
25 *123 Stat. 2656), to ensure that the facilities and*

1 *organizational structure described in the plan re-*
2 *sult in world class military medical facilities in*
3 *the National Capital Region;*

4 *(B) monitoring the implementation and*
5 *any subsequent modification of the master plan*
6 *referred to in subparagraph (A); and*

7 *(C) making recommendations regarding*
8 *any adjustments of the master plan referred to*
9 *in subparagraph (A) needed to ensure the provi-*
10 *sion of world class military medical facilities*
11 *and delivery system in the National Capital Re-*
12 *gion.*

13 (2) *MEMBERS.—*

14 *(A) APPOINTMENTS BY SECRETARY.—The*
15 *panel shall be composed of such members as de-*
16 *termined by the Secretary of Defense, except that*
17 *the Secretary shall include as members—*

18 *(i) medical facility design experts;*

19 *(ii) military healthcare professionals;*

20 *(iii) representatives of premier health*
21 *care facilities in the United States; and*

22 *(iv) former retired senior military offi-*
23 *cers with joint operational and budgetary*
24 *experience.*

1 (B) *CONGRESSIONAL APPOINTMENTS.*—*The*
2 *chairmen and ranking members of the Commit-*
3 *tees on the Armed Services of the Senate and*
4 *House of Representatives may each designate one*
5 *member of the panel.*

6 (C) *TERM.*—*Members of the panel may*
7 *serve on the panel until the termination date*
8 *specified in paragraph (7).*

9 (D) *COMPENSATION.*—*While performing du-*
10 *ties on behalf of the panel, a member and any*
11 *adviser referred to in paragraph (4) shall be re-*
12 *imbursed under Government travel regulations*
13 *for necessary travel expenses.*

14 (3) *MEETINGS.*—*The panel shall meet not less*
15 *than quarterly. The panel or its members may make*
16 *other visits to military treatment facilities and mili-*
17 *tary headquarters in connection with the duties of the*
18 *panel.*

19 (4) *STAFF AND ADVISORS.*—*The Secretary of De-*
20 *fense shall provide necessary administrative staff sup-*
21 *port to the panel. The panel may call in advisers for*
22 *consultation.*

23 (5) *REPORTS.*—

24 (A) *INITIAL REPORT.*—*Not later than 120*
25 *days after the first meeting of the panel, the*

1 panel shall submit to the Secretary of Defense a
2 written report containing an assessment of the
3 adequacy of the master plan referred to in para-
4 graph (1)(A) and the recommendations of the
5 panel to improve the plan.

6 (B) *ADDITIONAL REPORTS.*—Not later than
7 February 28, 2011, and February 29, 2012, the
8 panel shall submit to the Secretary of Defense a
9 report on the findings and recommendations of
10 the panel to address any deficiencies identified
11 by the panel.

12 (6) *ASSESSMENT OF RECOMMENDATIONS.*—Not
13 later than 30 days after the date of the submission of
14 each report under paragraph (5), the Secretary of De-
15 fense shall submit to the congressional defense com-
16 mittees a report including—

17 (A) an assessment by the Secretary of the
18 findings and recommendations of the panel; and

19 (B) the plans of the Secretary for address-
20 ing such findings and recommendations.

21 (7) *TERMINATION.*—The panel shall terminate
22 on September 30, 2015.

23 (c) *DEFINITIONS.*—In this section:

24 (1) *NATIONAL CAPITAL REGION.*—The term “Na-
25 tional Capital Region” has the meaning given the

1 *term in section 2674(f) of title 10, United States*
2 *Code.*

3 (2) *WORLD CLASS MILITARY MEDICAL FACIL-*
4 *ITY.—The term “world class military medical facil-*
5 *ity” has the meaning given the term by the National*
6 *Capital Region Base Realignment and Closure Health*
7 *Systems Advisory Subcommittee of the Defense Health*
8 *Board in appendix B of the report titled “Achieving*
9 *World Class—An Independent Review of the Design*
10 *Plans for the Walter Reed National Military Medical*
11 *Center and the Fort Belvoir Community Hospital”*
12 *and published in May 2009, as required by section*
13 *2721 of the Military Construction Authorization Act*
14 *for Fiscal Year 2009 (division B of Public Law 110–*
15 *417; 122 Stat. 4716).*

16 **SEC. 2852. NAMING OF ARMED FORCES RESERVE CENTER,**
17 **MIDDLETOWN, CONNECTICUT.**

18 *The newly constructed Armed Forces Reserve Center*
19 *in Middletown, Connecticut, shall be known and designated*
20 *as the “Major General Maurice Rose Armed Forces Reserve*
21 *Center”. Any reference in a law, map, regulation, docu-*
22 *ment, paper, or other record of the United States to such*
23 *Armed Forces Reserve Center shall be deemed to be a ref-*
24 *erence to the Major General Maurice Rose Armed Forces*
25 *Reserve Center.*

1 **TITLE XXIX—OVERSEAS CONTIN-**
 2 **GENY OPERATIONS MILI-**
 3 **TARY CONSTRUCTION**
 4 **Subtitle A—Fiscal Year 2010**
 5 **Projects**

6 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS AND AUTHORIZA-**
 8 **TION OF APPROPRIATIONS.**

9 (a) *OUTSIDE THE UNITED STATES.*—*The Secretary of*
 10 *the Army may acquire real property and carry out military*
 11 *construction projects for various locations outside the*
 12 *United States, and subject to the purpose, total amount au-*
 13 *thorized, and authorization of appropriations specified for*
 14 *the projects, set forth in the following table:*

Army: Military Construction Outside the United States <i>(Amounts Are Specified In Thousands of Dollars)</i>				
<i>Overseas Location</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
<i>AF</i>	<i>Various Locations</i>	<i>Operational Facilities</i>	80,100	80,100
<i>AF</i>	<i>Various Locations</i>	<i>Supporting Activities</i>	62,900	62,900
<i>AF</i>	<i>Various Locations</i>	<i>Utility Facilities</i>	52,600	52,600

15 (b) *AUTHORIZATION OF APPROPRIATIONS.*—
 16 (1) *OUTSIDE THE UNITED STATES.*—*For mili-*
 17 *tary construction projects outside the United States*
 18 *authorized by subsection (a), funds are hereby author-*
 19 *ized to be appropriated for fiscal years beginning*
 20 *after September 30, 2009, in the total amount of*
 21 *\$195,600,000.*

1 (2) *UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.*—*For unspecified minor military*
 2 *construction projects authorized by section 2805 of*
 3 *title 10, United States Code, funds are hereby author-*
 4 *ized to be appropriated for fiscal years beginning*
 5 *after September 30, 2009, in the total amount of*
 6 *\$40,000,000.*

8 (3) *ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.*—*For architectural*
 9 *and engineering services and construction design*
 10 *under section 2807 of title 10, United States Code,*
 11 *funds are hereby authorized to be appropriated for*
 12 *fiscal years beginning after September 30, 2009, in*
 13 *the total amount of \$6,696,000.*

15 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 16 **LAND ACQUISITION PROJECTS AND AUTHOR-**
 17 **IZATION OF APPROPRIATIONS.**

18 (a) *OUTSIDE THE UNITED STATES.*—*The Secretary of*
 19 *the Air Force may acquire real property and carry out*
 20 *military construction projects for various locations outside*
 21 *the United States, and subject to the purpose, total amount*
 22 *authorized, and authorization of appropriations specified*
 23 *for the projects, set forth in the following table:*

Air Force: Military Construction Outside the United States <i>(Amounts Are Specified In Thousands of Dollars)</i>				
<i>Overseas Location</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
<i>AF</i>	<i>Various Locations</i>	<i>Operational Facilities</i>	<i>220,500</i>	<i>220,500</i>
<i>AF</i>	<i>Various Locations</i>	<i>Supply Facilities</i>	<i>24,550</i>	<i>24,550</i>

1 **(b) AUTHORIZATION OF APPROPRIATIONS.—**

2 **(1) OUTSIDE THE UNITED STATES.—***For mili-*
3 *tary construction projects outside the United States*
4 *authorized by subsection (a), funds are hereby author-*
5 *ized to be appropriated for fiscal years beginning*
6 *after September 30, 2009, in the total amount of*
7 *\$245,050,000.*

8 **(2) UNSPECIFIED MINOR MILITARY CONSTRUC-**
9 **TION PROJECTS.—***For unspecified minor military*
10 *construction projects authorized by section 2805 of*
11 *title 10, United States Code, funds are hereby author-*
12 *ized to be appropriated for fiscal years beginning*
13 *after September 30, 2009, in the total amount of*
14 *\$15,000,000.*

15 **(3) ARCHITECTURAL AND ENGINEERING SERV-**
16 **ICES AND CONSTRUCTION DESIGN.—***For architectural*
17 *and engineering services and construction design*
18 *under section 2807 of title 10, United States Code,*
19 *funds are hereby authorized to be appropriated for*
20 *fiscal years beginning after September 30, 2009, in*
21 *the total amount of \$19,040,000.*

Subtitle B—Fiscal Year 2011

Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) *OUTSIDE THE UNITED STATES.*—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Army: Military Construction Outside the United States <i>(Amounts Are Specified In Thousands of Dollars)</i>				
<i>Overseas Location</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
AF	<i>Various Locations</i>	<i>Air Pollution Abatement</i>	16,000	16,000
AF	<i>Various Locations</i>	<i>Community Facilities</i>	21,450	21,450
AF	<i>Various Locations</i>	<i>Hospital and Medical Facilities</i>	50,800	50,800
AF	<i>Various Locations</i>	<i>Operational Facilities</i>	69,600	69,600
AF	<i>Various Locations</i>	<i>Supply Facilities</i>	30,700	30,700
AF	<i>Various Locations</i>	<i>Supporting Activities</i>	199,800	199,800
AF	<i>Various Locations</i>	<i>Troop Housing Facilities</i>	283,000	283,000
AF	<i>Various Locations</i>	<i>Utility Facilities</i>	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 author-*
 2 *ized to be appropriated for fiscal years beginning*
 3 *after September 30, 2010, in the total amount of*
 4 *\$78,330,000.*

5 (3) *ARCHITECTURAL AND ENGINEERING SERV-*
 6 *ICES AND CONSTRUCTION DESIGN.—For architectural*
 7 *and engineering services and construction design*
 8 *under section 2807 of title 10, United States Code,*
 9 *funds are hereby authorized to be appropriated for*
 10 *fiscal years beginning after September 30, 2010, in*
 11 *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 of*
 16 *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 amount*
 19 *authorized, and authorization of appropriations specified*
 20 *for the projects, set forth in the following table:*

Air Force: Military Construction Outside the United States <i>(Amounts Are Specified In Thousands of Dollars)</i>				
<i>Overseas Location</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
<i>AF</i>	<i>Various Locations</i>	<i>Maintenance and Production Facilities</i>	<i>7,400</i>	<i>7,400</i>
<i>AF</i>	<i>Various Locations</i>	<i>Operational Facilities</i>	<i>203,000</i>	<i>203,000</i>
<i>AF</i>	<i>Various Locations</i>	<i>Supply Facilities</i>	<i>7,100</i>	<i>7,100</i>

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 author-*
4 *ized to be appropriated for fiscal years beginning*
5 *after September 30, 2010, in the total amount of*
6 *\$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 author-*
11 *ized to be appropriated for fiscal years beginning*
12 *after September 30, 2010, in the total amount of*
13 *\$49,584,000.*

14 (3) *ARCHITECTURAL AND ENGINEERING SERV-*
15 *ICES AND CONSTRUCTION DESIGN.*—*For architectural*
16 *and engineering services and construction design*
17 *under section 2807 of title 10, United States Code,*
18 *funds are hereby authorized to be appropriated for*
19 *fiscal years beginning after September 30, 2010, in*
20 *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 of*
25 *Defense may acquire real property and carry out military*

1 *construction projects for the Defense Agencies for a classi-*
 2 *fied project at a classified location outside the United*
 3 *States, and subject to the total amount authorized and au-*
 4 *thorization of appropriations specified for the project, set*
 5 *forth in the following table:*

Defense Wide: Military Construction Outside the United States (Amounts Are Specified In Thousands of Dollars)				
<i>Overseas Location</i>	<i>Installation or Location</i>	<i>Purpose of Project</i>	<i>Project Amount</i>	<i>Authorization of Appropriations</i>
<i>XC</i>	<i>Classified Location</i>	<i>Classified Project</i>	<i>41,900</i>	<i>41,900</i>

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 author-*
 10 *ized to be appropriated for fiscal years beginning*
 11 *after September 30, 2010, in the total amount of*
 12 *\$41,900,000.*

13 (2) *ARCHITECTURAL AND ENGINEERING SERV-*
 14 *ICES AND CONSTRUCTION DESIGN.—For architectural*
 15 *and engineering services and construction design au-*
 16 *thorized by section 2807 of title 10, United States*
 17 *Code, funds are hereby authorized to be appropriated*
 18 *for fiscal years beginning after September 30, 2010,*
 19 *in the total amount of \$4,600,000.*

1 **SEC. 2914. CONSTRUCTION AUTHORIZATION FOR NATIONAL**
2 **SECURITY AGENCY 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 National Security Agency.*

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 by*
15 *section 2901, 2902, 2911, or 2912 and has an esti-*
16 *mated cost in excess of the amounts authorized for un-*
17 *specified minor military construction projects under*
18 *section 2805(c) of title 10, United States Code, the*
19 *Secretary of Defense shall submit to the congressional*
20 *defense committees a notice regarding the construction*
21 *project. The project may be carried out only after the*
22 *end of the 10-day period beginning on the date the*
23 *notice is received by the committees or, if earlier, the*
24 *end of the 7-day period beginning on the date on*
25 *which a copy of the notification is provided in an*

1 *electronic medium pursuant to section 480 of title 10,*
2 *United States Code.*

3 (2) *CONTENTS OF NOTICE.*—*The notice for a con-*
4 *struction project covered by subsection (a) shall in-*
5 *clude the following:*

6 (A) *Certification that the construction—*
7 (i) *is necessary to meet urgent military*
8 *operational requirements of a temporary*
9 *nature involving the use of the Armed*
10 *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 the*
19 *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 days*
24 *after the end of each fiscal-year quarter during which*
25 *appropriated funds are obligated or expended to carry*

1 *out construction projects outside the United States*
2 *that are authorized by section 2901, 2902, 2911, or*
3 *2912, the Secretary of Defense shall submit to the con-*
4 *gressional defense committees a report on the world-*
5 *wide obligation and expenditure during that quarter*
6 *of appropriated funds for such construction projects.*

7 *(2) PROJECT AUTHORITY CONTINGENT ON SUB-*
8 *MISSION OF REPORTS.—The ability to use section*
9 *2901, 2902, 2911, or 2912 as authority during a fis-*
10 *cal year to obligate appropriated funds available to*
11 *carry out construction projects outside the United*
12 *States shall commence for that fiscal year only after*
13 *the date on which the Secretary of Defense submits to*
14 *the congressional defense committees all of the quar-*
15 *terly reports (if any) that were required under para-*
16 *graph (1) for the preceding fiscal year.*

17 *(c) LIMITATION ON TRANSFER AUTHORITY.—If the*
18 *Secretary of the Army or the Secretary of the Air Force*
19 *determines that amounts appropriated pursuant to the au-*
20 *thorization of appropriation in section 2901, 2902, 2911,*
21 *or 2912 are required for any construction project that will*
22 *cause obligations to exceed any of the category amounts*
23 *specified in this title or for a construction project that is*
24 *not within the scope of the category, the Secretary shall no-*

1 *tify the congressional defense committees of this determina-*
2 *tion at least 14 days before obligating funds for the project.*

3 ***DIVISION C—DEPARTMENT OF***
4 ***ENERGY NATIONAL SECURITY***
5 ***AUTHORIZATIONS AND***
6 ***OTHER AUTHORIZATIONS***

7 ***TITLE XXXI—DEPARTMENT OF***
8 ***ENERGY NATIONAL SECURITY***
9 ***PROGRAMS***

10 ***Subtitle A—National Security***
11 ***Programs Authorizations***

12 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
13 ***TION.***

14 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
15 *hereby authorized to be appropriated to the Department of*
16 *Energy for fiscal year 2011 for the activities of the National*
17 *Nuclear Security Administration in carrying out programs*
18 *necessary for national security in the amount of*
19 *\$11,214,755,000, to be allocated as follows:*

20 *(1) For weapons activities, \$7,008,835,000.*

21 *(2) For defense nuclear nonproliferation activi-*
22 *ties, \$2,687,167,000.*

23 *(3) For naval reactors, \$1,070,486,000.*

24 *(4) For the Office of the Administrator for Nu-*
25 *clear Security, \$448,267,000.*

1 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.*—
2 *From funds referred to in subsection (a) that are available*
3 *for carrying out plant projects, the Secretary of Energy*
4 *may carry out new plant projects for the National Nuclear*
5 *Security Administration as follows:*

6 (1) *Project 11-D-801, reinvestment project phase*
7 *2, Los Alamos National Laboratory, Los Alamos, New*
8 *Mexico, \$23,300,000.*

9 (2) *Project 11-D-601, sanitary effluent reclama-*
10 *tion facility expansion, Los Alamos National Labora-*
11 *tory, Los Alamos, New Mexico, \$15,000,000.*

12 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

13 *Funds are hereby authorized to be appropriated to the*
14 *Department of Energy for fiscal year 2011 for defense envi-*
15 *ronmental cleanup activities in carrying out programs nec-*
16 *essary for national security in the amount of*
17 *\$5,588,039,000.*

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 *Funds are hereby authorized to be appropriated to the*
20 *Department of Energy for fiscal year 2011 for other defense*
21 *activities in carrying out programs necessary for national*
22 *security in the amount of \$878,209,000.*

23 **SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

24 *Funds are hereby authorized to be appropriated to the*
25 *Department of Energy for fiscal year 2011 for energy secu-*

1 *ity and assurance programs necessary for national secu-*
2 *ity in the amount of \$6,188,000.*

3 ***Subtitle B—Program Authoriza-***
4 ***tions, Restrictions, and Limita-***
5 ***tions***

6 ***SEC. 3111. EXTENSION OF AUTHORITY RELATING TO THE***
7 ***INTERNATIONAL MATERIALS PROTECTION,***
8 ***CONTROL, AND ACCOUNTING PROGRAM OF***
9 ***THE DEPARTMENT OF ENERGY.***

10 *Section 3156(b)(1) of the Bob Stump National Defense*
11 *Authorization Act for Fiscal Year 2003 (Public Law 107-*
12 *314; 116 Stat. 2739; 50 U.S.C. 2343(b)(1)) is amended by*
13 *striking “January 1, 2013” and inserting “January 1,*
14 *2018”.*

15 ***SEC. 3112. ENERGY PARKS INITIATIVE.***

16 *(a) IN GENERAL.—Subtitle B of title XLVIII of the*
17 *Atomic Energy Defense Act (division D of Public Law 107-*
18 *314; 50 U.S.C. 2501 et seq.) is amended by adding at the*
19 *end the following:*

20 ***“SEC. 4815. ENERGY PARKS INITIATIVE.***

21 *“(a) IN GENERAL.—The Secretary of Energy may fa-*
22 *cilitate the development of energy parks described in sub-*
23 *section (b) on defense nuclear facility reuse property*
24 *through the use of collaborative partnerships with State and*

1 *local governments, the private sector, and community reuse*
2 *organizations approved by the Secretary.*

3 “(b) *ENERGY PARKS.*—*An energy park described in*
4 *this subsection is a facility (or group of facilities) developed*
5 *for the purpose of—*

6 “(1) *promoting energy security, environmental*
7 *sustainability, economic competitiveness, and energy*
8 *sector jobs; and*

9 “(2) *encouraging pilot programs, demonstration*
10 *projects, or commercial projects, at or near such facil-*
11 *ity, with respect to energy generation, energy effi-*
12 *ciency, and advanced manufacturing technologies that*
13 *will contribute to a stabilization of atmospheric*
14 *greenhouse gas concentrations through the reduction,*
15 *avoidance, or sequestration of energy-related emis-*
16 *sions.*

17 “(c) *INFRASTRUCTURE.*—*In facilitating the develop-*
18 *ment of an energy park under this section, the Secretary*
19 *shall—*

20 “(1) *use existing infrastructure, facilities,*
21 *workforces, and other assets in the vicinity of the en-*
22 *ergy park; and*

23 “(2) *ensure that such energy park does not inter-*
24 *fere with the Secretary’s other responsibilities at any*
25 *defense nuclear facility.*

1 “(d) *REPORT.*—Not later than December 31, 2011, the
2 *Secretary shall submit to the Committee on Armed Services*
3 *and the Committee on Energy and Commerce of the House*
4 *of Representatives and the Committee on Armed Services*
5 *and the Committee on Energy and Natural Resources of*
6 *the Senate a report on steps taken to facilitate the develop-*
7 *ment of energy parks under this section.*

8 “(e) *DEFINITIONS.*—In this section:

9 “(1) *The term ‘defense nuclear facility’ has the*
10 *meaning given the term ‘Department of Energy de-*
11 *fense nuclear facility’ in section 318 of the Atomic*
12 *Energy Act of 1954 (42 U.S.C. 2286g).*

13 “(2) *The term ‘defense nuclear facility reuse*
14 *property’ means property that—*

15 “(A) *is located at a defense nuclear facility;*

16 *and*

17 “(B) *the Secretary of Energy determines—*

18 “(i) *has been adequately remediated by*
19 *the Secretary or was not in need of remedi-*
20 *ation; and*

21 “(ii) *is ready for use as an energy*
22 *park.”.*

23 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
24 *section 4001(b) of such Act (division D of Public Law 107–*

1 314) is amended by inserting after the item relating to sec-
2 tion 4814 the following new item:

“Sec. 4815. Energy parks initiative.”.

3 **SEC. 3113. ESTABLISHMENT OF TECHNOLOGY TRANSFER**
4 **CENTERS.**

5 (a) *TECHNOLOGY TRANSFER CENTERS.*—

6 (1) *IN GENERAL.*—Section 4813 of the Atomic
7 Energy Defense Act (division D of Public Law 107–
8 314; 50 U.S.C. 2794) is amended—

9 (A) by redesignating subsection (b) as sub-
10 section (c); and

11 (B) by inserting after subsection (a) the fol-
12 lowing new subsection (b):

13 “(b) *TECHNOLOGY TRANSFER CENTERS.*—(1) Subject
14 to the availability of appropriations provided for such pur-
15 pose, the Administrator shall establish a technology transfer
16 center described in paragraph (2) at each national security
17 laboratory.

18 “(2) A technology transfer center described in this
19 paragraph is a center to foster collaborative scientific re-
20 search, technology development, and the appropriate trans-
21 fer of research and technology to users in addition to the
22 national security laboratories.

23 “(3) In establishing a technology transfer center under
24 this subsection, the Administrator—

1 “(A) shall enter into cooperative research and de-
2 velopment agreements with governmental, public, aca-
3 demic, or private entities; and

4 “(B) may enter into a contract with respect to
5 constructing, purchasing, managing, or leasing build-
6 ings or other facilities.”.

7 (2) *DEFINITION.*—Subsection (c) of such section,
8 as redesignated by paragraph (1)(A), is amended by
9 adding at the end the following new paragraph:

10 “(5) The term ‘national security laboratory’ has
11 the meaning given that term in section 3281 of the
12 National Nuclear Security Administration Act (50
13 U.S.C. 2471).”.

14 (3) *SECTION HEADING.*—The heading of such sec-
15 tion is amended by inserting “**AND TECHNOLOGY**
16 **TRANSFER CENTERS**” after “**PARTNERSHIPS**”.

17 (b) *CLERICAL AMENDMENT.*—The table of contents in
18 section 4001(b) of such Act (division D of Public Law 107–
19 314) is amended by striking the item relating to section
20 4813 and inserting the following new item:

 “Sec. 4813. Critical technology partnerships and technology transfer centers.”.

21 **SEC. 3114. AIRCRAFT PROCUREMENT.**

22 Of the amounts authorized to be appropriated under
23 section 3101(a)(1) for fiscal year 2011 for weapons activi-
24 ties, the Secretary of Energy may procure not more than
25 two aircraft.

1 *and refurbishment of the nuclear security complex in*
2 *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 infrastructure*
6 *recapitalization program—*

7 *“(i) whether such program achieved its mis-*
8 *sion of addressing deferred and backlogged main-*
9 *tenance;*

10 *“(ii) to what extent deferred and backlogged*
11 *maintenance remains unaddressed;*

12 *“(iii) whether the expiration of such pro-*
13 *gram’s authorities has weakened or strengthened*
14 *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 submitted
2 under subsection (a) support each element under sub-
3 section (b); and

4 “(C) the role of the United States Strategic Com-
5 mand in making an assessment under subsection (c).

6 “(3) Not later than 90 days after the date on which
7 a budget is submitted to Congress during an even-numbered
8 fiscal year, the Comptroller General shall submit to the con-
9 gressional defense committees an update to the previous
10 study under paragraph (1) taking into account the nuclear
11 security budget materials included with such budget.”.

12 **SEC. 3122. REPORT ON GRADED SECURITY PROTECTION**
13 **POLICY.**

14 (a) *REPORT.*—Not later than February 1, 2011, the
15 Secretary of Energy shall submit to the congressional de-
16 fense committees a report on the implementation of the
17 graded security protection policy of the Department of En-
18 ergy.

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

21 (1) A comprehensive plan and schedule (includ-
22 ing any benchmarks, milestones, or other deadlines)
23 for implementing the graded security protection pol-
24 icy.

1 (2) *An explanation of the current status of the*
2 *graded security protection policy for each site with re-*
3 *spect to the comprehensive plan under paragraph (1).*

4 (3) *An explanation of the Secretary's objective*
5 *end-state for implementation of the graded security*
6 *protection policy (such end-state shall include sup-*
7 *porting justification and rationale to ensure that ro-*
8 *bust and adaptive security measures meet the graded*
9 *security protection policy requirements).*

10 (4) *Identification of each site that has received*
11 *an exception or waiver to the graded security protec-*
12 *tion policy, including the justification for each such*
13 *exception or waiver.*

14 (5) *A schedule for "force-on-force" exercises that*
15 *the Secretary considers necessary to maintain oper-*
16 *ational readiness.*

17 (6) *A description of a program that will provide*
18 *proper training and equipping of personnel to a cer-*
19 *tifiable standard.*

20 (c) *FORM.—The report required by subsection (a) shall*
21 *be submitted in unclassified form, but may include a classi-*
22 *fied 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 year*
6 *2011, \$28,640,000 for the operation of the Defense Nuclear*
7 *Facilities Safety Board under chapter 21 of the Atomic En-*
8 *ergy 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 fiscal*
14 *year 2011 for the purpose of carrying out activities under*
15 *chapter 641 of title 10, United States Code, relating to the*
16 *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 fis-*
7 *cal year 2011, to be available without fiscal year limitation*
8 *if so provided in appropriations Acts, for the use of the De-*
9 *partment of Transportation for Maritime Administration*
10 *programs associated with maintaining national security*
11 *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 academies;
5 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 in
10 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 chap-
14 ter 531 of title 46, United States Code, \$174,000,000.

15 (5) For the cost (as defined in section 502(5) of
16 the Federal Credit Reform Act of 1990 (2 U.S.C.
17 661a(5)) of loan guarantees under the program au-
18 thorized by chapter 537 of title 46, United States
19 Code, \$60,000,000, of which \$3,688,000 shall remain
20 available until expended for administrative expenses
21 of the program.

22 **SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PRO-**
23 **GRAM.**

24 Chapter 531 of title 46, United States Code, is amend-
25 ed—

1 (1) in section 53104(a), by striking “2015” and
2 inserting “2025”;

3 (2) in section 53106(a)(1)(C), by striking “for
4 each fiscal years 2012, 2013, 2014, and 2015” and
5 inserting “for each of fiscal years 2012 though 2025”;
6 and

7 (3) in section 53111(3), by striking “2015” and
8 inserting “2025”.

9 **SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY**
10 **NOMINATIONS OF RESIDENTS OF THE**
11 **NORTHERN MARIANA ISLANDS.**

12 Section 51302(b) of title 46, United States Code, is
13 amended—

14 (1) in paragraph (3), by inserting “the Northern
15 Mariana Islands,” after “Guam,”; and

16 (2) by striking paragraph (5) and redesignating
17 paragraph (6) as paragraph (5).

18 **SEC. 3504. ADMINISTRATIVE EXPENSES FOR PORT OF GUAM**
19 **IMPROVEMENT ENTERPRISE PROGRAM.**

20 Section 3512(c)(4) of the Duncan Hunter National De-
21 fense Authorization Act for Fiscal Year 2009 (48 U.S.C.
22 1421r(c)(4)) is amended—

23 (1) by inserting “, and of other amounts appro-
24 priated or otherwise made available to the Maritime
25 Administration for the purposes of the Program for

1 *fiscal year 2011 or thereafter,” after “for a fiscal*
2 *year”;* and

3 (2) *by inserting “under this section” before the*
4 *period at the end.*

5 **SEC. 3505. VESSEL LOAN GUARANTEES: PROCEDURES FOR**
6 **TRADITIONAL AND NONTRADITIONAL APPLI-**
7 **CATIONS.**

8 (a) *DEFINITIONS.—Section 53701 of title 46, United*
9 *States Code, is amended—*

10 (1) *by redesignating paragraph (14) as para-*
11 *graph (16);*

12 (2) *by redesignating paragraphs (10) through*
13 *(13) as paragraphs (11) through (14), respectively;*

14 (3) *by inserting after paragraph (8) the fol-*
15 *lowing new paragraph:*

16 “(9) *NONTRADITIONAL APPLICATION.—The term*
17 *‘nontraditional application’ means an application for*
18 *a loan, guarantee, or commitment to guarantee under*
19 *this chapter, that is not a traditional application, as*
20 *determined by the Administrator.”; and*

21 (4) *by inserting after paragraph (14), as so re-*
22 *designated, the following new paragraph:*

23 “(15) *TRADITIONAL APPLICATION.—The term*
24 *‘traditional application’ means an application for a*
25 *loan, guarantee, or commitment to guarantee under*

1 *this chapter that involves a market, technology, and*
2 *financial structure of a type that has proven success-*
3 *ful in previous applications and does not present an*
4 *unreasonable risk to the United States, as determined*
5 *by the Administrator.”.*

6 *(b) DEADLINE FOR DECISION ON APPLICATION; EX-*
7 *TENSION.—Section 53703(a) of title 46, United States Code,*
8 *is amended—*

9 *(1) by amending paragraph (1) to read as fol-*
10 *lows:*

11 *“(1) IN GENERAL.—The Secretary or Adminis-*
12 *trator shall approve or deny an application for a*
13 *loan guarantee under this chapter—*

14 *“(A) in the case of a traditional applica-*
15 *tion, before the end of the 90-day period begin-*
16 *ning on the date on which the signed application*
17 *is received by the Secretary or Administrator;*
18 *and*

19 *“(B) in the case of a nontraditional appli-*
20 *cation, before the end of the 120-day period be-*
21 *ginning on such date of receipt.”; and*

22 *(2) in paragraph (2), by striking “the 270-day*
23 *period in paragraph (1) to a date not later than 2*
24 *years” and inserting “the applicable period under*
25 *paragraph (1) to a date that is not later than 1 year*

1 *after the date on which the signed application was re-*
2 *ceived by the Secretary or Administrator”.*

3 *(c) INDEPENDENT ANALYSIS.—Section 53708(d) of*
4 *title 46, United States Code, is amended by striking “an*
5 *application” and inserting “a nontraditional application”.*

6 *(d) APPLICATION.—The amendments made by this sec-*
7 *tion shall apply only to applications submitted after the*
8 *date of enactment of this Act.*

Amend the title so as to read: “A bill 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.”.