

PRESS RELEASE

U.S. Senate Committee on Armed Services

Carl Levin, Chairman
John McCain, Ranking Member

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SENATE PASSES IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

WASHINGTON – Senator Carl Levin (D-MI), Chairman of the Senate Armed Services Committee, and Senator John McCain (R-AZ), Ranking Republican on the Committee, announced that the Senate has passed H.R. 6523, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011. This bill was the product of an agreement reached with the House earlier this month, after the Senate was unable to consider the legislation in the normal legislative process. With Senate action complete, the bill now returns to the House, which must now pass it without change to send it to the President.

“For the 49th consecutive year, we have demonstrated our continued commitment to the brave men and women who will spend their holidays defending our nation, and to the families who must celebrate the holidays apart from their loved ones,” Levin said. “At a time when we have roughly 150,000 U.S. soldiers, sailors, airmen and Marines on the ground in Iraq and Afghanistan, it will send an important message that we, as a nation, stand behind them and appreciate their service,” Levin said.

“I am happy to support the Ike Skelton National Defense Authorization Act for Fiscal Year 2011,” said Senator John McCain. “This bill funds the needs and requirements of our brave men and women in uniform to succeed in their mission. The enactment of this legislation will send an important message to our troops that we, as a nation, stand behind them and appreciate their service. I thank Senator Levin for working with me to remove many of the controversial provisions and I urge the House of Representatives to act on this legislation today and send it to the President for his signature,” continued McCain.

“This bill will improve the quality of life of our men and women in uniform and give them the tools that they need to remain the most effective fighting force in the world. It will improve the acquisition and management of the Department of Defense and address important issues of cyber security and energy security,” Levin added.

MAJOR HIGHLIGHTS

Note: This section describes major provisions contained in the agreement. Some items are repeated in the Detailed Description section following these major highlights.

- 1. Improves the quality of life of the men and women of the all-volunteer force (active duty, National Guard and Reserves) and their families through fair pay, policies and benefits, including first rate health care, and addresses the needs of the wounded, ill, and injured service members and their families.**
 - Authorizes \$138.5 billion for military personnel, the full amount requested by the President, which includes funding for a 1.4 percent across-the-board pay raise for members of the uniformed services, allowances, bonuses, death benefits, and permanent change of station moves.
 - Authorizes TRICARE coverage for certain dependents of eligible beneficiaries up to age 26.
 - Extends for 1 year the prohibition on increasing the premium and copayment for TRICARE Prime, charges for inpatient care in civilian hospitals under TRICARE Standard, and cost sharing requirements for drugs provided through the TRICARE retail pharmacy.
 - Authorizes dependent survivors to be eligible to enroll in the TRICARE dental program even if they were not enrolled prior to the death of their sponsor.
 - Requires the Secretary of Defense to develop and implement education and training programs on the use of pharmaceuticals for patients in a wounded warrior unit, nonmedical case managers, military leaders, and family members.
 - Establishes the rate of the monthly stipend under the Department of Defense (DOD) family caregiver compensation program as the amount of the caregiver stipend under the Department of Veterans Affairs program of comprehensive assistance for family caregivers.
 - Prohibits the involuntary administrative separation of a service member who has been deemed fit for duty by a Physical Evaluation Board (PEB) but who is subsequently determined to be unsuitable for deployment based on the same medical condition that was considered by the PEB.
 - Authorizes expedited background investigations for security clearances for wounded warriors and spouses seeking employment with DOD or DOD contractors.
 - Authorizes enrollment in DOD elementary and secondary schools for military dependents residing in temporary housing, regardless of whether the housing is on federal property, due to the unavailability of adequate permanent living quarters on installation, or while

the service member is wounded, ill, or injured.

- Requires the establishment of an advisory panel on community support for military families with special needs, authorizes the service secretaries to establish or support centers to provide services for military children with special needs, and requires the Director of the Office of Community Support for Military Families With Special Needs to be a member of the Senior Executive Service or a general or flag officer.
- Authorizes reserve component members to carry over leave accumulated during periods of active service without regard to separation or release from active service, subject to otherwise applicable leave carry over limits.
- Revises the structure and functions of the Reserve Forces Policy Board.

2. Provides our service men and women with the resources, training, technology, equipment (especially force protection), and authorities they need to succeed in combat and stability operations.

- Enhances DOD's ability to acquire rapidly and field new capabilities in response to urgent needs on the battlefield by expanding DOD's authority to waive statutory requirements when needed to save lives on the battlefield, and requires DOD to establish a comprehensive process for evaluating and addressing urgent operational needs identified on the battlefield.
- Provides full funding (\$3.4 billion) for the Mine Resistant Ambush Protected Vehicle (MRAP) fund that funds the development, testing, production, and sustainment of the MRAP vehicles and new MRAP All Terrain Vehicles (known as the M-ATV).
- Provides full funding for a number of Navy programs, including: Carrier Replacement Program, *Virginia*-class submarine, DDG-1000, DDG-51, Littoral Combat Ship (LCS), LHA(R) amphibious assault ship, Joint High Speed Vessel, and Mobile Landing Platform.

3. Enhances the capability of the armed forces to conduct counterinsurgency operations and applies the lessons of Iraq to Afghanistan, as appropriate.

- Increases the annual authority, from \$40 million to \$45 million, for U.S. special operations forces to provide support to foreign forces, groups, and individuals assisting in ongoing operations.
- Provides substantial funding for the Commanders' Emergency Response Program (CERP) in Afghanistan and Iraq to continue to enable commanders to fund urgent, small-scale humanitarian relief and reconstruction projects directly benefiting the indigenous people.
- Establishes the Afghanistan Infrastructure Fund to pay for high-priority, large-scale

infrastructure projects, in support of the civil-military campaign.

- Authorizes the use of DOD funds to support the reintegration into Afghan society of former low-level insurgent fighters who lay down their arms.
- Funds fully the President's budget request of \$9.8 billion for U.S. Special Operations Command (USSOCOM).
- Increases the annual authority, from \$30 million to \$50 million, for DOD to support efforts by the North Atlantic Treaty Organization (NATO) Special Operations Headquarters to improve coordination and integration of special operations by member nations.

4. Addresses the threats from nuclear weapons and materials by strengthening and accelerating nonproliferation programs, maintaining a credible nuclear deterrent, reducing the size of the nuclear weapons stockpile, and ensuring the safety, security, and reliability of the stockpile, the delivery systems, and the nuclear infrastructure.

- Supports the budget request for the additional funding for the National Nuclear Security Administration (NNSA) and DOD to expand threat reduction activities to secure vulnerable fissile material in 4 years and increasing focus on preventing proliferation globally by expanding threat reduction partnerships.
- Requires a review of police training programs in Afghanistan and elsewhere to capture lessons-learned and make recommendations to improve this critical component of U.S. counterinsurgency operations.
- Supports additional funding for NNSA to ensure that a substantially reduced nuclear stockpile is safe, secure, and reliable.
- Directs the Secretary of Defense and Secretary of Energy to establish safety and security baselines for nuclear weapons.
- Includes a provision to establish and track cost and schedule baselines for major Department of Energy (DOE) projects.

5. Improves the ability of the armed forces to counter non-traditional threats, focusing on terrorism, the proliferation of weapons of mass destruction, and their means of delivery.

- Includes multiple legislative provisions relating to cybersecurity, including requirements to: (1) resolve longstanding policy issues relating to the conduct of military operations in cyberspace; (2) develop a tailored cyber acquisition process; (3) conduct major commercial technology demonstrations; and (4) report annually on losses and damages from cyber attacks and cyberwar "net assessments."

6. Enhances the capability of the security forces of allied and friendly nations to defeat al Qaeda, its affiliates, and other violent extremist organizations.

- Provides the President's full request for \$11.6 billion to train and equip the Afghan National Army and the Afghan National Police.
- Provides \$1.5 billion in assistance to the Iraqi Security Forces as Iraq assumes increasing responsibility for its security as U.S. troops drawdown.
- Extends for one year DOD's authority to transfer non-excess defense equipment being withdrawn from Iraq to the security forces of Iraq and Afghanistan.
- Authorizes the Secretary of Defense to provide up to \$75 million in equipment, supplies, and training to the Yemen Ministry of Interior counterterrorism force.
- Extends DOD's "train and equip" authority and provides increased flexibility under that program to build the capacity of coalition partners in Afghanistan to conduct stabilization operations and special operations.
- Extends the Pakistan Counterinsurgency Fund, to be resourced with funds transferred from the Department of State, to build the capacities of the Pakistan Frontier Corps and the Pakistan Army.
- Provides Coalition Support Funds to reimburse Pakistan and other key nations cooperating in contingency operations in Iraq and Afghanistan.
- Expands DOD's authority to loan protective equipment to coalition partners to allow these forces to train prior to their deployment into Afghanistan on equipment similar to what they will use in theater.
- Directs the Defense Science Board to conduct a review and evaluation of DOD's strategy to counter violent extremism.

7. Seeks to reduce our Nation's strategic risk by taking action aimed at restoring, as soon as possible, the readiness of the military services to conduct the full range of their assigned missions.

- Provides funding for readiness and depot maintenance programs, so as to ensure that forces preparing to deploy are trained and their equipment is ready.
- Promotes DOD's efforts to meet energy consumption reduction goals, while enhancing energy security activities.

8. Emphasizes the reduction of dependency on fossil fuels and seek greater energy security and independence and pursues technological advances in traditional and alternative energy storage, power systems, renewable energy production, and more energy efficient

ground, air, and naval systems.

- Requires the Secretary of Defense to establish a comprehensive strategy for addressing military impacts of renewable energy projects and other energy projects, with the objective of ensuring that the robust development of renewable energy sources and the expansion of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.
- Removes impediments to the efficient use of energy savings performance contracts, making it easier for DOD and other federal agencies to improve the energy efficiency of their facilities.
- Authorizes a consolidated DOD advanced ground vehicle technology program to develop and deploy advanced technology ground vehicles and their component parts and maximize cooperation with industry, academia, and other federal agencies.
- Requires the Secretary of Defense to develop a comprehensive master plan for improving the energy efficiency of DOD facilities, including specific consideration for rooftop solar and other energy-saving technologies in all new facilities and renovations.

9. Promotes aggressive and thorough oversight of DOD's programs and activities to ensure proper stewardship of taxpayer dollars and compliance with relevant laws and regulations.

- Addresses shortcomings in the management of private security contractors in Iraq and Afghanistan by making contractors expressly responsible for the conduct of their subcontractors and establishing specific contractual remedies for failures to comply with the requirements and directives.
- Improves the defense acquisition system by: (1) establishing a requirement for regular peer reviews of all elements of the acquisition system to identify best practices and lessons learned; (2) adopting changes proposed by DOD to improve the operation of the Joint Requirements Oversight Council, which develops requirements for major defense acquisition programs; and (3) providing for the improved career development of civilian and military personnel in the acquisition workforce.
- Improves contractor oversight by: (1) requiring the review and evaluation of contractor business systems to ensure that these systems are adequate to protect the government's interests; (2) enhancing DOD's authority to take action against contractors who are found to have jeopardized the health or safety of government personnel; and (3) clarifying the government's right to use technical data that is developed exclusively at governmental expense, when needed to ensure competition for follow-on contracts.
- Improves DOD contracting procedures by: (1) requiring annual assessments of price trends for supplies and equipment purchased by the Department to identify and address items that are subject to unjustified price escalation; (2) requiring the Department to

develop a systematic process for defining requirements for contract services, similar to processes already in place for products; and (3) clarifying the government's right to use technical data that is developed exclusively at governmental expense when needed to ensure competition for follow-on contracts.

- Directs the Secretary of Defense to conduct a review of DOD's organizational structure and policy guidance relating to information operations activities, which is defined by DOD to include electronic warfare, computer network operations, psychological operations, military deception, and operations security.

Other Items

- Prohibits the use of DOD funding to construct or modify a facility within the United States to house detainees transferred from the Guantanamo detention facility.
- Prohibits the use of DOD funding to transfer, release or assist in the transfer or release of Guantanamo detainees to or within the United States.
- Prohibits the transfer of Guantanamo detainees to countries where former Guantanamo detainees were transferred and subsequently returned to terrorist activities, unless the transfer is in the U.S. national security interests or necessary to carry out a court order and limits transfers to other countries or foreign entities pending certification of certain elements.

DETAILED DESCRIPTION BY SUBCOMMITTEE

FUNDING LEVELS

The Administration's budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2011 was \$725.9 billion and included \$548.9 billion for the base budget of DOD; \$159.3 billion for overseas contingency operations, which funds the wars in Iraq and Afghanistan; and \$17.7 billion for national security programs in the DOE.

The agreement authorizes \$724.6 billion for national defense discretionary programs and includes \$548.2 billion for the base budget of DOD; \$158.7 billion for overseas contingency operations; and \$17.7 billion for national security programs in the DOE.

SUBCOMMITTEE ON PERSONNEL

Subcommittee Chairman Jim Webb (D-VA) and Ranking Member Lindsey Graham (R-SC) continued to focus the Subcommittee on Personnel's attention on improving the quality of life of the men and women of the armed forces and their families through fair pay, policies, and benefits, including first rate health care, while addressing the needs of wounded, ill, and injured service members and their families. The agreement includes the following funding and legislative provisions:

End Strength

- Authorizes fiscal year 2011 active-duty end strengths for the Army of 569,400; the Marine Corps, 202,100; the Air Force, 332,200; and the Navy, 328,700.
- Authorizes reserve component military end strengths in line with President's request.

Military Personnel Policy

- Clarifies that graduates of service academies participating in the Armed Forces Health Professions Scholarship and Financial Assistance Program (HPSP) must serve their academy service obligation on active duty after graduating from HPSP.
- Authorizes the appointments of warrant officers, W-1, in both the regular and reserve components to be made by warrant or commission.
- Authorizes the service secretaries to delay the mandatory separation or retirement of warrant officers against whom disciplinary action has been commenced.
- Requires the administrative removal of an officer's name from a promotion list if the officer was discharged, dropped from the rolls, or transferred to retired status before being promoted.

- Clarifies that the nondisclosure provisions applicable to promotion selection boards for officers on the active-duty list and on the reserve active-status list are also applicable to promotion selection boards for warrant officers and for special selection boards.
- Requires promotion selection boards considering certain officers who have served on the Joint Staff or who are joint qualified to include as a member of the board at least one joint qualified officer.
- Makes technical changes to the definition of “joint matters” for the purposes of joint officer management.
- Prohibits the involuntary administrative separation of a service member who has been deemed fit for duty by a Physical Evaluation Board (PEB) but who is subsequently determined to be unsuitable for deployment based on the same medical condition that was considered by the PEB.
- Repeals the requirement that an officer transferring from the active component to the reserve component execute a new oath of office.
- Makes technical and clarifying changes to DOD undergraduate nurse training program and changes the date for initiation of a pilot program to increase the number of nurses serving in the armed forces to no later than December 31, 2011.
- Updates terminology for the Army Medical Service Corps to reflect its current structure.
- Authorizes direct appointment of graduates of the United States Merchant Marine Academy into the National Guard.
- Authorizes assignment of Air Force Reserve technicians (dual status) outside of the Air Force Reserve unit program.
- Authorizes reserve component members to carry over leave accumulated during periods of active service without regard to separation or release from active service, subject to otherwise applicable leave carry over limits.
- Authorizes service secretaries to provide certain service members rest and recuperation absence of up to 15 days, including round trip travel at government expense, that is not charged against ordinary leave.
- Provides temporary authority to the reserve components to hire additional non-dual status technicians on a temporary basis to fill vacancies created by mobilized dual status technicians.
- Authorizes loan repayment for students who incurred student loans pursuing an appropriate degree prior to enrolling in the Armed Forces Health Professions Scholarship and Financial Assistance Program.

- Authorizes the service secretaries to pay a lump sum payment for the balance of any loans the services agreed to pay under a written agreement existing at the time of a service member's death.
- Authorizes DOD supplemental impact aid, special assistance to local education agencies affected by Base Realignment and Closure Commission and force relocations, and impact aid for children with severe disabilities.
- Authorizes the award of the Bronze Star to certain members of military forces of friendly foreign nations for service in imminent danger pay areas.
- Provides temporary authority for service secretaries to approve the voluntary retirement of officers who have completed 8 years of active service as a commissioned officer and 20 years of total active service.
- Authorizes the appointment of individuals with certain medical skills who will not be able to complete 20 years of service by age 62 as regular and reserve officers and authorizes service secretaries to defer mandatory retirement of certain health professions officers until age 68.
- Authorizes officers in the grade of O-9 or O-10, who have been confirmed by the Senate, to wear the insignia of that higher grade for 14 days before assuming the duties of the position for which the higher grade is authorized.
- Increases from 20 to 35 the number of eligible private sector civilians authorized to receive instruction at the National Defense University.
- Increases the maximum fine for contempt in military justice proceedings to \$1000, and adds certain actions as a basis for punishment by contempt.
- Extends to December 31, 2012, the temporary authority to order retired service members to active duty in high-demand, low-density assignments.
- Authorizes disability retirement and separation review boards to review retirements and separations for physical disability of enlisted members as well as officers.
- Requires the Secretary of Defense to implement certain Government Accountability Office (GAO) recommendations for improving DOD's Domestic Violence Program.
- Requires the Secretary of Defense to revise and improve the comprehensive policy for DOD sexual assault prevention and response program and to enhance the Sexual Assault Prevention and Response Office.
- Requires the Secretary of Defense to report on child development centers and financial assistance provided by DOD for off-installation child care.

- Requires the Secretary of Defense to report on the status of graduate medical education programs of DOD.
- Expands membership on the DOD Military Family Readiness Council to include the Director of the Office of Community Support for Military Families With Special Needs and the spouse of an officer serving in the grade of general or admiral, and clarifies the appointment options for enlisted representation on the Council.
- Authorizes enrollment in DOD elementary and secondary schools for military dependents residing in temporary housing, regardless of whether the housing is on federal property, due to the unavailability of adequate permanent living quarters on installation, or while the service member is wounded, ill, or injured.
- Requires the Secretary of Defense, in consultation with the Secretary of Education, to report on the needs of military families with children with special needs and to evaluate options to enhance the benefits available to those families and children under the Individuals with Disabilities Education Act.
- Requires the establishment of an advisory panel on community support for military families with special needs, authorizes the service secretaries to establish or support centers to provide services for military children with special needs, and requires the Director of the Office of Community Support for Military Families With Special Needs to be a member of the Senior Executive Service or a general or flag officer.
- Revises the structure and functions of the Reserve Forces Policy Board.
- Authorizes expedited background investigations for security clearances for wounded warriors and spouses seeking employment with DOD or DOD contractors.
- Requires the Secretary of Defense to report on military spouse education programs of DOD and the Department of Veterans Affairs.
- Provides for certain modifications to the Yellow Ribbon Reintegration Program.
- Requires the Secretary of Defense to continue to carry out the Joint Family Support Assistance Program at certain locations through December 31, 2012.

Military Compensation and Benefits

- Authorizes \$138.5 billion for military personnel, the full amount requested by the President, which includes the funding for a 1.4 percent across-the-board pay raise for members of the uniformed services, allowances, bonuses, death benefits, and permanent change of station moves.
- Establishes the rate of the monthly stipend under DOD family caregiver compensation program as the amount of the caregiver stipend under the Department of Veterans Affairs

program of comprehensive assistance for family caregivers.

- Reauthorizes over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve component military personnel.
- Extends authority to provide travel and transportation allowances for inactive duty for training outside of normal commuting distances.
- Directs the Secretary of Defense to report on the standards used to determine eligibility for and level of compensation of basic allowance for housing for personnel assigned to sea duty.
- Authorizes travel and transportation allowance for members of the uniformed service and one or more designees to attend Yellow Ribbon Reintegration Program events.
- Authorizes the Secretary of Defense and the service secretaries to pay full replacement value for property lost or damaged during a household goods shipment under certain circumstances where reimbursement is not available from the contracted carrier.
- Clarifies that civilian employees of the Federal Government may not receive income differential payments concurrently under both titles 5 and 10, United States Code.
- Authorizes service members who serve on active duty for more than 30 years and who are retired for disability to receive retired pay based on their years of service up to 100 percent of their retired pay base.
- Requires military retired and retainer pay to be paid on the first day of each month instead of the first business day of each month.
- Clarifies that time spent on active duty by a reserve component member receiving medical care for wounds, injuries, or illnesses incurred during qualifying active-duty service counts toward the calculation of the age at which the member may receive their retired pay below the age of 60.
- Expresses the sense of Congress that DOD should implement section 647 of the National Defense Authorization Act for Fiscal Year 2008 to achieve the Congressional intent of reducing the age at which a reserve component member may receive their retired pay below the age of 60 by 3 months for every 90 days of qualifying active duty served.
- Requires the Secretary of Defense to review the use and management of aviation continuation pay (ACP), including the payment of ACP to an officer serving under a pre-existing active-duty service obligation, and to report to the congressional defense committees by no later than August 1, 2011, on the results of this review.
- Clarifies that the competitive contracting requirements for procuring personal telephone services in combat zones apply to unofficial calling centers and do not apply to wireless cell phone services.

- Requires the Secretary of Defense to conduct a study to determine the feasibility of establishing a full-service exchange store in the Northern Mariana Islands.
- Requires the Secretary of Defense to provide for the continued operation of commissary or exchange stores serving Brunswick Naval Air Station, Maine, through the later of the closure of the Naval Air Station or 60 days after the Secretary has made a determination regarding the closure of the military resale stores based on the review of a report prepared by the Comptroller General relating to commissary or exchange operations at Brunswick Naval Air Station.

Health Care and Wounded Warriors

- Authorizes \$30.9 billion for the Defense Health Program.
- Authorizes TRICARE coverage for certain dependents of eligible beneficiaries up to age 26.
- Extends for 1 year the prohibition on increasing the premium and copayment for TRICARE Prime, charges for inpatient care in civilian hospitals under TRICARE Standard, and cost sharing requirements for drugs provided through the TRICARE retail pharmacy program.
- Authorizes dependent survivors to be eligible to enroll in the TRICARE dental program even if they were not enrolled prior to the death of their sponsor.
- Requires the Secretary of Defense to develop and implement education and training programs on the use of pharmaceuticals for patients in a wounded warrior unit, nonmedical case managers, military leaders, and family members.
- Repeals the annual requirement that the Secretary of Defense report on the number of service members separated due to refusing to take the anthrax vaccine.
- Authorizes certain National Guard personnel with a current health care license to provide health care while performing training or duty under title 32 in response to an actual or potential disaster.
- Requires that post-deployment health reassessments be included in the medical tracking system and quality assurance program for members deployed overseas, and that results of pre- and post-deployment medical exams include information on the prescription and administration of psychotropic medications.
- Authorizes the transfer of funds to the Joint DOD-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Requires the Secretary of Defense to issue regulations under which licensed mental health counselors may practice independently under TRICARE.

- Requires the Secretary of Defense to develop a plan to ensure that all service members are screened for tinnitus both pre- and post-deployment to a combat zone and to examine methods to improve aural protection for service members in combat.
- Clarifies that the Secretary of Defense has responsibility for administering the TRICARE program.
- Requires the Secretary of Defense to report on the current structure of and future plans for DOD health information technology program.
- Requires the service secretaries to conduct an assessment of post-traumatic stress disorder incidence by military occupation.
- Requires the Secretary of Defense to implement a comprehensive policy on consistent neurocognitive assessments of service members before and after deployment.

Civilian Personnel

- Temporarily authorizes overtime pay for civilian employees of the Department of the Navy assigned to perform work on the nuclear aircraft carrier that is forward deployed in Japan.
- Requires the Secretary of Defense to issue appropriate policies and procedures to ensure that all senior mentors employed by DOD are hired as highly-qualified experts and are required to comply with all applicable federal laws and regulations.
- Modifies authorities relating to personnel demonstration laboratories to clarify that the repeal of the National Security Personnel System has no effect on the direct hiring authority of defense laboratories and to increase the number of positions for which direct hiring authority may be used.
- Extends for 1 year the authority to waive limitations on the aggregate of basic and premium pay payable for federal civilian employees working within the U.S. Central Command (CENTCOM) area of responsibility.
- Authorizes enhanced appointment and compensation authority for designated DOD medical or health care professional positions.

Armed Forces Retirement Home

- Authorizes \$71.2 million to be appropriated for the Armed Forces Retirement Home.

SUBCOMMITTEE ON AIRLAND

Under the leadership of Chairman Joseph Lieberman (I-CT) and Ranking Member John Thune (R-SD), the Subcommittee focused on providing what is needed to succeed in combat and

stability operations, restoring the readiness of Army ground forces, and Air Force and Navy tactical air systems, and enhancing the capability of the armed forces to conduct counterinsurgency operations. Specifically, the subcommittee included the following budget recommendations and legislative provisions:

Air Force and Naval Aviation

- Requires DOD to commission a study on the optimal balance of manned and & unmanned aerial vehicle capability.

Mine Resistant Ambush Protected Vehicle Fund

- Provides full funding (\$3.4 billion) for the MRAP fund, which funds the development, testing, production, and sustainment of the MRAP vehicles and new M-ATV.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities, under the leadership of Chairman Bill Nelson (D-FL) and Ranking Member George LeMieux (R-FL), focused on improving DOD capabilities to protect the Nation against emerging threats, including terrorism and the proliferation of weapons of mass destruction, and helping to transform U.S. forces to meet future threats. The subcommittee authorized investments in cutting-edge science and technology programs, and recommended improvements in nonproliferation programs, and programs to combat terrorism and violent extremism. Specifically, the subcommittee included the following funding and legislative provisions:

Special Operations

- Funds fully the President's budget request of \$9.8 billion for USSOCOM.
- Increases the annual authority, from \$40 million to \$45 million, for U.S. special operations forces to provide support to foreign forces, groups, and individuals assisting in ongoing operations.
- Increases the annual authority, from \$30 million to \$50 million, for DOD to support efforts by the NATO Special Operations Headquarters to improve coordination and integration of special operations by member nations.
- Expands the requirement of USSOCOM to provide quarterly reports on the use of Combat Mission Requirement funds to satisfy urgent operational needs.

Joint Improvised Explosive Device Defeat Organization

- Provides full funding (\$3.4 billion) for the Joint Improvised Explosive Device Defeat Organization in the Overseas Contingency Operations (OCO) account.

Combating Weapons of Mass Destruction and Nonproliferation

- Provides full funding (\$522.5 million) for the Cooperative Threat Reduction Programs at DOD.
- Requires a joint DOD/DOE study on cooperative threat reduction activities with China.

Information Operations

- Directs the Secretary of Defense to conduct a review of DOD's organizational structure and policy guidance relating to information operations activities, which is defined by DOD to include electronic warfare, computer network operations, psychological operations, military deception, and operations security.

Counternarcotics Program

- Renews three counternarcotics train and equip programs, including:
 - Authority for a joint task force conducting counternarcotics training and assistance to a foreign government to also provide counterterrorism training and assistance;
 - Extend numeric limitation on U.S. defense personnel and DOD civilian contractors in Colombia; and
 - Authority to provide support to certain foreign governments.

Research, Development, Test, & Evaluation (including Science & Technology)

- Authorizes a consolidated DOD advanced ground vehicle technology program to develop and deploy advanced technology ground vehicles and their component parts and maximize cooperation with industry, academia, and other federal agencies.
- Establishes a competitive, merit-based program to stimulate innovative technologies and reduce acquisition or life cycle costs, address technical risk, improve the timeliness and thoroughness of test and evaluation outcomes, and rapidly insert such products directly in support of primarily major defense programs, but also other defense acquisition programs that meet critical national security needs.
- Establishes a Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy to be responsible for a broad range of activities related to the defense industrial base including policy guidance development and oversight as well as execution of relevant authorities under the Manufacturing Technologies Program and the Defense Production Act.
- Requires the Secretary of Defense to issue comprehensive guidance on the management of manufacturing risk in major defense acquisition programs, to include specifying manufacturing readiness levels that should be achieved at key acquisition milestones and decision points of major defense acquisition programs, as well as identifying tools and models that may be used to assess, manage, and reduce identified manufacturing risks.

Chemical and Biological Matters

- Consolidates, reorganizes, and restates the chemical demilitarization program authorities as a single piece of legislation. The revised provision is entirely consistent with U.S. obligations under the Chemical Weapons Convention.
- Authorizes the budget request level of \$1.5 billion for the chemical demilitarization program.

Homeland Defense and Civil Support

- Prohibits DOD from deactivating its existing Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Consequence Management Response Forces (CCMRF) until the Secretary of Defense certifies that there exists within the military an alternative response capability at least as good as the two existing CCMRFs.
- Authorizes DOD to make excess or surplus military supplies available to State and local emergency response and homeland security agencies.

SUBCOMMITTEE ON STRATEGIC FORCES

Under the leadership of the Chairman Ben Nelson (D-NE), and Ranking Member David Vitter (R-LA), the Subcommittee on Strategic Forces focused on DOD programs for national security space, strategic forces, ballistic missile defenses, intelligence, surveillance and reconnaissance (ISR), and cyber security, as well as DOE nuclear and environmental management programs. Specifically, the subcommittee included the following funding and legislative provisions:

Ballistic Missile Defense

- Expresses the sense of Congress on ballistic missile defense programs, including strong support for the Phased Adaptive Approach to missile defense in Europe, the Ground-based Midcourse Defense system and interceptors, and support for increased cooperation with Russia.
- Requires acquisition baselines for Missile Defense Agency's ballistic missile defense programs and annual reports to Congress on those baselines.
- Limits the use of funds for the Medium Extended Air Defense System, until after DOD reports on a decision to proceed with the program.
- Authorizes \$205 million for the Israeli Iron Dome short-range rocket defense system.
- Authorizes the Secretary of Defense to establish a ballistic missile shared early warning program with the Czech Republic.

Strategic Systems

- Directs the Secretary of Energy and the Secretary of Defense acting through the Nuclear Weapons Council to develop a baseline for safety and security improvements to the nuclear weapons stockpile.

Space Programs

- Requires the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, to develop a plan to sustain the liquid rocket motor industrial base.
- Directs the Secretary of Defense to implement recommendations to sustain the solid rocket motor industrial base.

Cyber Security

- Directs the Secretary of Defense to review and submit a report to Congress on the cyber warfare policy of DOD, including legal, strategy, and doctrinal issues.
- Authorizes DOD to conduct a series of cyber security demonstration projects using commercial technology.
- Requires DOD to develop a tailored acquisition process for cyberspace that would not only provide agility and speed, but also ensure proper transparency, oversight, discipline, and rigorous test and evaluation.
- Directs the Secretary of Defense to develop a strategy to address software vulnerabilities for systems in development, during milestone approvals, testing, undergoing security certifications, and while running in an operational status.
- Requires the Secretary of Defense to implement continuous monitoring of computer networks to improve security and Federal Information Security Management Act compliance and reporting.
- Requires annual reports on the nature of and damages caused by cyber attacks and net assessments of the cyberwar capabilities of the U.S. and potential adversaries to determine whether the U.S. is making progress in improving our cybersecurity.

Intelligence

- Prevents the Navy from retiring the EP-3E aircraft and the special projects aircraft and directs the Navy to maintain and upgrade these aircraft to meet evolving threats and operational requirements. The requirement would expire when the Navy begins fielding a mix of platforms and sensors that are equivalent or superior to the EP-3E and the special

projects aircraft.

- Directs the Secretary of the Air Force to report on the concept of operations for unmanned aerial vehicles (UAV) to meet ISR requirements, including a description of the requirements, and current and future manpower staffing and training requirements to support both operations of the UAVs and analysis of the information collected.
- Directs the Chiefs of Staff of the military services to report to the Secretary of Defense on their respective use, management and coordination of UAVs for ISR, including current and future requirements and management of shortfalls.

Department of Energy Programs

- Requires the Secretary of Energy and the Administrator of NNSA to establish and track cost and schedule baselines for certain elements of the life extension program, construction projects, and major cleanup projects.
- Requires an annual assessment by GAO of the adequacy of the NNSA budget with respect to maintaining the nuclear weapons stockpile.
- Requires an annual 5-year budget plan for the DOE Environmental Management Program.
- Authorizes \$17.7 billion for atomic energy defense activities, the amount of the budget request.
- Authorizes Environmental Management funding at the budget request.

SUBCOMMITTEE ON SEAPOWER

Under the leadership of the Chairman Jack Reed (D-RI) and Ranking Member Roger F. Wicker (R-MS), the Subcommittee on Seapower focused on the needs of the Navy, Marine Corps, and strategic mobility forces. The subcommittee put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher-priority programs. Specifically, the subcommittee included the following funding and legislative provisions:

- Provides full funding for a number of Navy programs, including: Carrier Replacement Program, *Virginia*-class submarine, DDG-1000, DDG-51, LCS, LHA(R) amphibious assault ship, Joint High Speed Vessel, Mobile Landing Platform, V-22 Osprey, and P-8 maritime patrol aircraft.
- Restructures the requirement for producing long-range plans for construction of naval vessels and ties those plans to requirements emanating from the Quadrennial Defense Review.
- Requires an annual GAO report on the VH-(XX) presidential helicopter development

program for the next 3 years.

- Modifies title 10, United States Code, to expand the means by which DOD may transport civilian passengers and commercial cargo in response to natural disasters or other emergencies, and to allow DOD to use any amounts of reimbursements to offset the cost of providing the support.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Subcommittee Chairman Evan Bayh (D-IN) and Ranking Member Richard Burr (R-NC) focused the subcommittee's efforts on (1) improving the readiness of our armed forces; (2) ensuring that members of the armed forces and their families have access to appropriate facilities, including family housing; and (3) addressing problems in the management and efficiency of DOD. The subcommittee included the following legislative provisions:

Readiness

- Provides funding for readiness and depot maintenance programs, so as to ensure that forces preparing to deploy are trained and their equipment is ready.

Military Construction and Basing Issues

- Authorizes \$18.2 billion for military construction and family housing, including OCO, which is \$556.8 million below the President's budget request.
- Cuts \$300 million in funding associated with the move of the Marine Corps from Okinawa to Guam, as this funding was requested ahead of need.
- Promotes DOD's efforts to meet energy consumption reduction goals, while enhancing energy security activities.
- Reauthorizes Contingency Construction Authority for 1-year allowing for the use of operations and maintenance dollars to fund immediate need military construction in the CENTCOM area of responsibility and expands that authority to the area of responsibility and area of interest of Combined Joint Task Force – Horn of Africa.
- Ensures that future major medical facilities being constructed by DOD will adhere to world class standards for care of military members and their families.

Acquisition Policy

- Enhances DOD's ability to rapidly acquire and field new capabilities in response to urgent needs on the battlefield by:
 - Clarifying and expanding DOD's authority to waive statutory requirements when needed to speed acquisitions that will save lives on the battlefield; and

- Requiring DOD to establish a comprehensive process for evaluating and addressing urgent operational needs identified on the battlefield.
- Builds on the changes enacted in the Weapon Systems Acquisition Reform Act of 2009 by:
 - Adopting a DOD proposal for improvements to the structure of the Joint Requirements Oversight Council;
 - Clarifying that conservative cost estimates developed for baseline descriptions and budgetary purposes should not become the basis for negotiations with contractors and the obligation of funds;
 - Establishing a requirement for regular peer reviews of all elements of the acquisition system to identify best practices and lessons learned; and
 - Providing for the improved career development of civilian and military personnel in the acquisition workforce.
- Addresses shortcomings in the management of private security contractors in Iraq and Afghanistan by:
 - Requiring contracting activities to assign an appropriate number of personnel to the oversight of contractors performing private security functions in areas of combat operations;
 - Making contractors expressly responsible for the conduct of their subcontractors who provide private security services;
 - Establishing specific contractual remedies for failures to comply with the requirements of law or regulation, or with directives from combatant commanders, in the provision of private security services; and
 - Directing DOD to provide for the appropriate consideration of independent standards – such as those agreed to at Montreux, Switzerland earlier this year – in awarding contracts to private security companies.
- Streamlines acquisition processes and improves contractor oversight by:
 - Requiring the review and evaluation of contractor business systems to ensure that these systems are adequate to protect the government’s interests;
 - Requiring annual assessments of price trends for supplies and equipment purchased by the Department to identify and address items that are subject to unjustified price escalation;
 - Enhancing DOD’s authority to take action against contractors who are found to have jeopardized the health or safety of government personnel;
 - Authorizing the Secretary of Defense to take steps needed to reduce supply chain risk in the acquisition of sensitive information technology systems;
 - Requiring the Department to develop a systematic process for defining requirements for contract services, similar to processes already in place for products;
 - Establishing a pilot program for the streamlined acquisition of military purpose items that have already been developed at private expense; and
 - Clarifying the government’s right to use technical data that is developed exclusively at governmental expense when needed to ensure competition for follow-on contracts.

Energy and Environmental Policy

- Provides full funding for requested DOD environmental restoration programs to help ensure active and former contaminated sites are restored to acceptable levels in a timely manner.
- Directs the Comptroller General to assess and report on certain matters relating to exposures of current and former members of the armed forces, their dependants, and civilian employees to environmental hazards on military installations.
- Removes impediments to the efficient use of energy savings performance contracts, making it easier for DOD and other federal agencies to improve the energy efficiency of their facilities.
- Requires the Secretary of the Navy to take certain actions to ensure the Agency for Toxic Substances and Disease Registry has access to all documents relevant to the water contamination at Camp Lejeune in North Carolina.

Other Defense Management Provisions

- Prohibits the unauthorized sale or disposition of DOD property to prevent the circulation of sensitive military items in the private sector, as requested by DOD.
- Prohibits the establishment of goals or quotas for the insourcing of work currently performed by defense contractors, while allowing the continued use of goals for the insourcing of acquisition functions and other critical functions where the goals are based on analysis of DOD needs.
- Requires DOD to establish internal goals and develop appropriate incentives for the achievement of an auditable financial statement as required by the National Defense Authorization Act for Fiscal Year 2010.

GENERAL PROVISIONS

Building Partnership Capacity

- Extends DOD's "train and equip" authority for one year through the end of fiscal year 2012 and provides increased flexibility under that authority to use up to \$100 million to build the capacity of coalition partners in Afghanistan to conduct stabilization operations and special operations.
- Expands DOD's authority to loan protective equipment to coalition partners to allow these forces to train prior to their deployment into Afghanistan on equipment similar to what they will use when deployed in theater.
- Authorizes the Secretary of Defense to provide up to \$75 million in equipment, supplies, and training to the Yemen Ministry of Interior counterterrorism force.

Afghanistan, Pakistan, and Iraq

- Provides full funding (\$11.6 billion) for the train and equip program for the Afghan National Army and Afghan National Police, and permits these funds to be used to support the work of the Afghan Major Crimes Task Force.
- Provides \$500 million for the Commanders' Emergency Response Program (CERP) in Iraq and Afghanistan; transfers \$400 million to the newly created Afghanistan Infrastructure Fund; and cuts \$400 million from the CERP in Iraq and Afghanistan, based on concerns that CERP spending in Iraq should decline as we draw our forces down, and Afghanistan is not ready to absorb a significant increase in CERP funding, as proposed by the President's budget.
- Establishes the Afghanistan Infrastructure Fund, requested by the Secretaries of Defense and State and funded with \$400 million transferred from CERP, to pay for high-priority, large-scale infrastructure projects, such as electrification, water projects, and roads, in support of the civil-military campaign.
- Authorizes the use of up to \$50 million to support programs to reintegrate into Afghan society former low-level insurgent fighters who lay down their arms.
- Reduces funding for the Iraq Security Forces Fund from \$2 billion to \$1.5 billion, in anticipation of the Government of Iraq assuming a greater responsibility for the financial burden of building Iraqi security forces as U.S. forces draw down in Iraq.
- Extends for one year DOD's authority to transfer non-excess defense equipment being withdrawn from Iraq to the security forces of Iraq and Afghanistan to build their capacity to provide for internal security.
- Extends the Pakistan Counterinsurgency Fund, to be resourced with funds transferred from the Department of State, to build the capacity of the Pakistan Frontier Corps and the Pakistan Army to conduct counterinsurgency missions.
- Authorizes \$1.6 billion in Coalition Support Funds to reimburse Pakistan and other key nations cooperating in contingency operations in Afghanistan and Iraq and to provide specialized training and loan specialized equipment to coalition partners in Afghanistan.
- Authorizes for one year the activities of DOD Task Force on Business and Stability Operations in Afghanistan to promote economic development that enhances the counterinsurgency strategy and requires a comprehensive economic strategy for Afghanistan.

Quadrennial Defense Review

- Changes the Quadrennial Defense Review (QDR) law to replace the Independent Review Panel with a National Defense Panel in which the Secretary of Defense appoints two panel co-chairs, and the Chairmen and Ranking Members of the House and Senate Armed Services

Committees each appoint two members. The National Defense Panel will monitor the year-long QDR process and provide the Secretary and Congress with an independent review of the QDR's findings and decisions.

Other Items

- Requires the Secretary of Defense to establish a comprehensive strategy for addressing military impacts of renewable energy projects and other energy projects, with the objective of ensuring that the robust development of renewable energy sources and the expansion of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.
- Directs the Defense Science Board to conduct a review and evaluation of DOD's strategy to counter violent extremism.
- Directs the Secretary of Defense to submit to Congress a report on U.S. efforts to defend against potential future threats posed by the anti-access and area-denial capabilities of potentially hostile nation-states.
- Requires a review of police training programs in Afghanistan and elsewhere and a report to Congress on the requirements for training police abroad and recommendations for improving the capacity and oversight of these programs.
- Authorizes a program to commemorate the 60th anniversary of the Korean War.
- Prohibits the use of DOD funding to construct or modify a facility within the United States to house detainees transferred from the Guantanamo detention facility.
- Prohibits the use of DOD funding to transfer, release or assist in the transfer or release of Guantanamo detainees to or within the United States.
- Prohibits the transfer of Guantanamo detainees to countries where former Guantanamo detainees were transferred and subsequently returned to terrorist activities, unless the transfer is in the U.S. national security interests or necessary to carry out a court order and limits transfers to other countries or foreign entities pending certification of certain elements.

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