

PRESS RELEASE



**United States Senate
Committee on Armed Services**

**Carl Levin, Michigan
Chairman**

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SENATE ARMED SERVICES COMMITTEE COMPLETES MARKUP OF NATIONAL DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2010

Senator Carl Levin (D-MI), Chairman of the Armed Services Committee, and Senator John McCain (R-AZ), Ranking Member, announced today that the committee has completed its markup of the National Defense Authorization Bill for Fiscal Year (FY) 2010. The bill authorizes funding for the Department of Defense (DOD) and the national security programs of the Department of Energy (DOE).

“I am very pleased that the committee has unanimously voted to report out a bill that reflects, to a great extent, the decisions of the Secretary of Defense and the President to terminate troubled programs, delay programs for which requirements are not yet defined, and reorient programs and systems to deal with today’s threats and apply the lessons gained from more than seven years of war. This is a solid bipartisan bill that supports the men and women of the armed forces, both active and reserve, and their families, and provides them with the pay, benefits, equipment, and training that they need. I want to commend Senator McCain for his steadfast support throughout the markup process and for his commitment to our national security,” said Levin.

“I congratulate Senator Levin on a successful markup of this year’s National Defense Authorization bill. His leadership continues to exemplify the committee’s long tradition of

bipartisanship, and I am honored to serve with him. This is a critical time in our nation's history and the Committee has, once again, demonstrated its strong bipartisan support for our troops and their mission to protect our great nation," said McCain.

"The Committee's mark addresses a wide range of needs for the Department of Defense. I completely support full funding of the President's budget request and, for the most part, I believe we have made informed decisions regarding the authorization of \$680 billion in base and Overseas Contingency Operations funding for fiscal year 2010," McCain added.

"I want to also note that the bill includes important bipartisan legislation governing military commissions. I believe that military commissions can play a legitimate role in prosecuting violations of the law of war, but only if they meet the standards of fairness established by the Supreme Court. In its 2006 decision in the Hamdan case, the Supreme Court held that Common Article 3 of the Geneva Conventions prohibits the trial of detainees for violations of the law of war, unless the trial is conducted "by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples." The Court concluded that "[t]he regular military courts in our system are the courts-martial established by congressional statutes" and that a military commission "can be 'regularly constituted' by the standards of our military justice system only if some practical need explains deviations from court-martial practice." I believe that the language that we adopted in the Armed Services Committee meets this test. I want to thank Senators McCain and Graham for their cooperation. We are in agreement on almost all the language in this provision and I am committed to working with them as we proceed to the Senate floor and conference with the House," added Levin.

MARKUP HIGHLIGHTS

This year's bill includes important bipartisan legislation addressing detainees. The legislation provides new language for the Military Commissions Act to address a series of issues including the use of coerced testimony and hearsay evidence in a manner intended to achieve greater balance, ensure that convictions can be upheld on appeal, and improve the credibility of the military commissions system.

The Senate Armed Services Committee observed the following seven priorities to guide its work on the Fiscal Year 2010 National Defense Authorization bill:

1. Provides fair compensation and first rate health care, addresses the needs of the wounded, ill, and injured, and improves the quality of life of the men and women of the all-volunteer force (active duty, National Guard and Reserves) and their families.

- Authorizes \$163.5 billion for military personnel, including costs of pay, allowances, bonuses, death benefits, permanent change of station moves, and health care.
- Authorizes a 3.4 percent across-the-board pay raise, 0.5 percent above the budget request and the annual rise in the Employment Cost Index.

- Authorizes fiscal year 2010 active-duty end strengths for the Army of 547,400; the Marine Corps, 202,100; the Air Force, 331,700; and the Navy, 328,800.
- Authorizes the Secretary of Defense to increase the Army's active-duty end strength by 30,000 above 2010 levels during fiscal years 2011 and 2012 if sufficient funding is requested in the budgets for those fiscal years.
- Requires the establishment of a task force to assess the effectiveness of the policies and programs developed to assist and support the care, management, and transition of recovering wounded, ill, and injured service members.
- Requires the Secretary of Defense to develop and implement a plan by September 30, 2013 to increase the number of military and civilian behavioral health personnel of DOD and to consider the feasibility of additional officer and enlisted specialties as behavioral health counselors.
- Increases the authorization for the Homeowners Assistance Program by \$350 million. This program was recently enhanced by the American Recovery and Reinvestment Act (Public Law 111-5) and now provides relief to homeowners who are military services members, wounded warriors, surviving spouses, and defense civilian employees who are forced to relocate because of Base Realignment and Closure Commission, or permanent change of station orders.
- Authorizes the Department of Veterans Affairs and the Navy to operate jointly the Captain James A. Lovell Federal Health Care Center in North Chicago and Great Lakes, Illinois.
- Extends eligibility for TRICARE Standard to gray area retirees.

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

- Provides \$6.7 billion for the Mine Resistant Ambush Protected (MRAP) Vehicle Fund, including an increase of \$1.2 billion above the President's budget request for MRAP All-Terrain Vehicles (M-ATV), which will be deployed to Afghanistan.
- Provides \$179 million for Force XXI Battle Command Brigade and Below (FBCB2). This unfunded requirement was identified by the Army Chief of Staff.
- Provides full funding at the budget request level for most programs, including: Carrier Replacement Program: *Virginia*-class submarine; DDG-1000; DDG-51; Littoral Combat Ship (LCS); V-22; and the P-8 maritime patrol aircraft.

- Provides \$1.75 billion for buying seven F-22A aircraft, rather than terminating the production program as requested by the Department.
- Provides an additional \$560 million to buy 18 F/A-18E/F aircraft, rather than nine aircraft as requested, and authorizes the full request for 22 EA-18G aircraft.
- Provides \$438.9 million to continue development of the F136 Joint Strike Fighter alternate engine.

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

- Funds fully the President’s budget request for U.S. Special Operations Command (USSOCOM), and adds \$131.7 million for unfunded requirements identified by the Commander of USSOCOM.
- Provides the Administration’s full request for nearly \$7.5 billion to train and equip the Afghan National Army and Afghan National Police.
- Provides significant funding for the Commanders’ Emergency Response Program (CERP) in Iraq and Afghanistan to enable Commanders to fund quickly humanitarian relief and reconstruction projects and authorizes using CERP funds to support the Afghanistan National Solidarity Program to promote Afghan-led local development.
- Clarifies that the Department’s “train and equip” authority allows efforts to build the capacity of coalition partners in Iraq and Afghanistan to conduct stabilization operations and special operations.
- Establishes conditions for DOD’s use of the Pakistan Counterinsurgency Fund, to be resourced with up to \$700 million transferred from the State Department, to build the capacity of the Pakistan Frontier Corps and Pakistan Army to conduct counterinsurgency operations.
- Extends for one year the authority for the DOD to support State Department programs for security and stabilization assistance.

4. Improves the ability of the armed forces to counter nontraditional threats, including terrorism, the proliferation of weapons of mass destruction and their means of delivery.

- Provides full funding for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) in the Overseas Contingency Operations component of the budget request.
- Provides an additional \$20 million for the Cooperative Threat Reduction Program (CTR) and limited additional authorities to the CTR program and the Nonproliferation Program at DOE to utilize funding notwithstanding any other provision of law.

- Funds fully the President’s \$1.57 billion budget request for Chemical and Biological Defense programs.
 - Adds \$50 million for a mobile maritime sensor development program to provide options for the Navy in meeting its sea-based missile defense requirements.
 - Requires preparation of an interagency plan for nuclear forensics and attribution.
 - Authorizes budget request for the addition of \$700 million to field additional THAAD and Standard Missile-3 theater missile defense systems.
 - Authorizes budget request for the addition of \$200 million for conversion of six additional Aegis ships for missile defense capabilities.
- 5. 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.**
- Fully funds readiness and depot maintenance programs as requested to ensure that forces preparing to deploy are trained and their equipment is ready.
 - Adds \$16 million for tactical gear and clothing upgrades to the Army and Marine Corps.
 - Adds \$250 million for construction projects for the National Guard and Reserves.
 - Adds \$25 million for the Readiness and Environmental Protection Initiative to enhance funding of priority projects to protect critical mission training sites by preventing or reducing encroachment through the creation of compatible-use buffer zones.
- 6. Terminates troubled programs and activities, improves efficiencies, and applies the savings to higher-priority programs.**
- Future Combat System Manned Ground Vehicle (MGV)—Reallocates \$323.6 million of excess termination liability funds to other Army research, development, test, and evaluation (RDTE) efforts in support of a new ground combat vehicle program including vehicle modernization and survivability research, advanced tank armament systems, medium and heavy tactical vehicle development, and combat vehicle manufacturing technology.
 - Future Combat System Non-Line of Sight-Cannon (NLOS-C)—Reallocates \$58.2 million of excess termination liability to the Paladin Integration Management (PIM) program to accelerate the upgrade and modernization of the M109A6 Paladin 155mm self-propelled howitzer that will increase the Paladin’s performance and reliability, reduce life cycle costs, and address electronic obsolescence issues to meet the Army’s needs to 2050.

- Reduces funding by \$235 million for facilities at Army installations now not required because of the reduction in Army BCTs from 48 to 45.
- Reduces funding by \$270 million for Navy construction on Guam that has not yet been fully justified.
- Reduces \$209.5 million for C-130 avionics modernization program (AMP) due to delays in beginning the production program.
- Reduces funding for one of two T-AKE auxiliary ships (-\$400.0 million) in the budget request, pending Quadrennial Defense Review of the Maritime Prepositioning Force (Future) requirements.
- Reduces funding for procurement of UH-1/AH-1 Marine Corps helicopters by \$282.9 million to keep production at the fiscal year 2009 level.
- Provides authority for temporary reduction in aircraft carrier force levels, as requested by DOD. Otherwise, the Navy would have had to spend more than \$1 billion to extend the service life of USS *Enterprise*.
- Terminates the Multiple Kill Vehicle (MKV) program, which had significant technical challenges and was not consistent with the Secretary's missile defense policy guidance.
- Terminates the Kinetic Energy Interceptor (KEI) program, which had serious technology, affordability, and operational problems.
- Cancels the second Airborne Laser (ABL), and refocuses the ABL program as a technology research effort. The ABL had significant affordability and technology problems and the program's proposed operational role was highly questionable.

7. Ensures aggressive and thorough oversight of the Department's programs and activities to ensure proper stewardship of taxpayer dollars and compliance with relevant laws and regulations.

- Requires the Director of Defense Research and Engineering (DDR&E) to conduct an assessment of the technological maturity and integration risks of Army modernization programs.
- Enhances the ability of the DOD Inspector General (IG) to conduct audits and investigations by authorizing the IG to subpoena witnesses to provide testimony, subject to the approval of the Department of Justice.
- Reduces costs incurred to acquire and store unneeded inventory by requiring DOD to develop a comprehensive plan to address longstanding problems in its inventory management systems.

- Addresses abusive sole-source contracts by requiring DOD to justify all sole-source contract awards in excess of \$20 million in value.
- Requires that DOD treat the Littoral Combat Ship (LCS) as a Major Defense Acquisition Program (MDAP).
- Requires that the Navy conduct certain analyses before committing any funds to buy a future surface combatant after fiscal year 2011.
- Improves DOD financial management by requiring the Department to engage in business process reengineering before acquiring new information technology systems and submit regular reports on its progress toward auditable financial statements.
- Places a moratorium on public-private competitions under OMB Circular A-76 until DOD complies with an existing statutory requirement to develop an inventory of activities performed by service contractors that is needed for DOD to manage its service contractors, plan for its civilian employee workforce, and identify functions that should be subject to public-private competition.
- Directs Government Accountability Office to oversee implementation of the Environmental Management American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

A full summary of the bill is available at <http://armed-services.senate.gov/press.htm>.

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DETAILED PRESS RELEASE



**United States Senate
Committee on Armed Services**

**Carl Levin, Michigan
Chairman**

NATIONAL DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2010

The Senate Armed Services Committee identified the following seven priorities to guide its work on the Fiscal Year 2010 National Defense Authorization bill:

1. Provide fair compensation and first-rate health care, address the needs of the wounded, ill, and injured, and improve the quality of life of the men and women of the all-volunteer force (active duty, National Guard and Reserves) and their families.
2. Provide our servicemen and women with the resources, training, technology, equipment (especially force protection), and authorities they need to succeed in combat and stability operations.
3. Enhance the capability of the armed forces to conduct counterinsurgency operations and apply the lessons of Iraq to Afghanistan, as appropriate.
4. Improve the ability of the armed forces to counter nontraditional threats, including terrorism, the proliferation of weapons of mass destruction and their means of delivery.
5. Seek 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.
6. Terminate troubled programs and activities, improve efficiencies, and apply the savings to higher-priority programs.
7. Ensure aggressive and thorough oversight of the Department's programs and activities to ensure proper stewardship of taxpayer dollars and compliance with relevant laws and regulations.

FUNDING LEVELS

The total funding in the bill reported by the committee is \$679.8 billion which is slightly below the President's budget request of \$680.2 billion for discretionary programs in the jurisdiction of the committee.

The President's budget request for FY 2010 had two major parts. The first was \$550.2 billion in budget authority in the base budget for the DOD and defense programs in DOE.

The second part was \$130 billion in budget authority for overseas contingency operations, most of which funds the wars in Iraq and Afghanistan.

The President's budget request for national defense, which includes items that are not in the jurisdiction of the committee and mandatory programs, was \$693.1 billion as re-estimated by the Congressional Budget Office. The committee bill is consistent with this level with the exception that it does not include the administration's concurrent receipt proposal as the proposed offsets were not in the jurisdiction of the committee.

SUBCOMMITTEE ON PERSONNEL

Subcommittee Chairman Ben Nelson (D-NE), and Ranking Member Lindsey Graham (R-SC), continued to focus the Personnel Subcommittee's attention on improving recruiting and retention, and providing top quality health care, military family readiness and support, and quality of life programs for military and civilian personnel of DOD. The subcommittee included the following funding and legislative provisions:

End Strength

- Authorizes fiscal year 2010 active-duty end strengths for the Army of 547,400; the Marine Corps, 202,100; the Air Force, 331,700; and the Navy, 328,800.
- Authorizes the Secretary of Defense to increase the Army's active-duty end strength by 30,000 above 2010 levels during fiscal years 2011 and 2012 if sufficient funding is requested in the budgets for those fiscal years.
- Requires the Secretary of the Army to submit a report to Congress describing the utilization of non-dual status technicians.
- Requires the Secretary of the Army to submit a report to Congress assessing the feasibility of creating a trainee, transients, holdees, and students account within the Army National Guard.

Military Personnel Policy

- Implements section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to modify the distribution and authorized end strengths of general and flag officers on active duty.
- Establishes in statute the positions of Chief and Deputy Chief of Chaplains in the Air Force.
- Requires that an officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff be appointed in the regular grade of brigadier general or rear admiral (lower half).
- Authorizes the service secretaries to detail up to 25 officers each year as students at accredited schools of psychology for training leading to the degree of Doctor of Psychology in clinical psychology.
- Establishes an independent panel to review the judge advocate requirements for the Department of the Navy.
- Directs the DOD IG, in consultation with the Secretary of the Navy, to review the systems, policies, and procedures currently in use to ensure timely and legally sufficient post-trial reviews of courts-martial within the Department of the Navy.
- Directs the Secretary of Defense to report to Congress on the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009 and plans for further implementation in fiscal year 2010.
- Authorizes \$30 million in impact aid, \$10 million in special assistance to local education agencies affected by Base Realignment and Closure Commission (BRAC) and force relocations, and \$5 million in impact aid for children with severe disabilities.
- Extends for two years the authority of the Secretary of Defense to provide financial assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
- Expresses the Sense of the Senate on various aspects of State implementation of the Interstate Compact on Educational Opportunity for Military Children and encourages all remaining States to enact it.
- Makes permanent the authority of the Secretary of Defense to enroll a limited number of dependents of foreign military members assigned to SHAPE, on a space-available and tuition-free basis, in DOD dependents' education system in Mons, Belgium.
- Requires the Secretary of Defense, in consultation with the Secretary of Education, to conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the armed forces who do not attend DOD schools.

- Mandates the addition of two members to the DOD Military Family Readiness Council, one from the National Guard and one from a reserve component other than the National Guard.
- Requires the Secretary of Defense to undertake a comprehensive assessment of the impacts of military deployment on dependent children of service members, and a review of the mental health care and counseling services available to military children.
- Requires the Secretary of Defense to develop and implement a policy and program to provide broad-based community support to military children with autism and their families.
- Expresses the Sense of the Senate that a properly prepared and coordinated family care plan is essential for service members who have custody of a child pursuant to a court order or separation agreement.
- Requires the Secretary of Defense to submit to Congress a report on judicial cases involving child custody disputes in which the service of a deployed or deploying member of the armed forces was an issue in a child custody dispute.
- Requires the Secretary of Defense to conduct a comprehensive review of the programs and activities of DOD for the prevention, diagnosis, and treatment of substance use disorders and the policies of the Department relating to the disposition of substance abuse offenders.
- Extends the reporting deadline for the DOD Task Force on Sexual Assault to December 1, 2009.
- Expands the criteria for appointment of individuals to the Board of Regents of the Uniformed Services University of the Health Sciences.

Military Pay and Compensation

- Authorizes \$135.6 billion for military personnel, including costs of pay, allowances, bonuses, death benefits, and permanent change of station moves.
- Authorizes a 3.4 percent across-the-board pay raise, 0.5 percent above the budget request and the annual increase in the Employment Cost Index.
- Directs the Comptroller General to conduct a comprehensive study comparing military pay and benefits, including the value of military health care and the retirement benefit, with comparable private-sector pay and benefits, and to report to Congress by April 1, 2010 on the results of that study.
- Reauthorizes over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel.
- Authorizes the payment of stop-loss pay through June 2011.

- Authorizes travel and transportation allowances for reserve component service members on active duty for more than 30 days to travel from a temporary duty station to their permanent duty station and back again when training at the temporary duty station is suspended for five days or more.
- Amends recruiting incentive pilot program authority in section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to authorize the continuation of payments of a recruitment incentive for three years after it was first provided.
- Authorizes the Secretary of Defense to provide any member or former member of the armed forces up to \$200 a day for each day of administrative absence that the member would have earned between January 19, 2007 and the date of implementation of the Post-Deployment/Mobilization Respite Absence program, had the program been timely implemented.
- Commends Transportation Command's Patriot Express program.
- Increases the maximum amount of Supplemental Subsistence Allowance from \$500 to \$1100 per month and directs the Secretary of Defense to submit to Congress a plan to ensure that service members and their families are not dependant on food stamps for their nutritional needs.

Health Care and Wounded Warriors

- Authorizes \$27.9 billion for the Defense Health Program.
- Requires DOD to initiate a process for reform and improvement of the TRICARE health care system.
- Extends eligibility for TRICARE Standard to gray area retirees.
- Authorizes special compensation for designated caregivers for the time and assistance they provide to service members with combat-related catastrophic injuries or illnesses requiring assistance in everyday living.
- Authorizes travel and transportation allowances for up to three designated individuals for seriously injured or wounded service members, including those with serious mental disorders, for the duration of their inpatient stay.
- Authorizes travel and transportation allowances for non-medical attendants of very seriously wounded, ill, or injured service members.
- Expands eligibility of surviving children under the TRICARE Dental Program to the longer of three years, after the service member's death, until the surviving child reaches age 21, or until the child reaches age 23 if a full-time student.

- Enhances transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.
- Exempts certain disabled TRICARE beneficiaries under age 65 from the requirement to enroll retroactively in Medicare Part B in order to maintain TRICARE coverage.
- Requires the Secretary of Defense to establish a task force to assess the effectiveness of the policies and programs to assist and support the care, management, and transition of recovering wounded, ill, and injured service members.
- Authorizes the Secretary of Defense to provide, in exceptional circumstances, reimbursement for the travel expenses of active-duty beneficiaries and their dependents otherwise ineligible for reimbursement relating to travel for medical services.
- Requires the Secretary of Defense to develop and implement a comprehensive policy on pain management.
- Requires the Secretary of Defense to submit to Congress a report setting forth the evidence to be required from a long-term integrated study on treatment strategies for cognitive rehabilitation for service members who have sustained traumatic brain injuries to determine how receipt of such rehabilitative therapies could be reimbursed as a health care benefit.
- Requires the Secretary of Defense to develop and implement a plan by September 30, 2013 to increase the number of military and civilian behavioral health personnel of DOD and to consider the feasibility of additional officer and enlisted specialties as behavioral health counselors.
- Authorizes medical students attending the Uniformed Services University of the Health Sciences and students participating in the armed forces Health Professions Scholarship and Financial Assistance Programs, who have prior commissioned service, to serve while on active duty, in pay grade O-1, or in pay grade O-2, if they meet specified promotion criteria prescribed by the service secretary.
- Requires the Comptroller General to report to Congress by March 31, 2010, on the implementation of the prohibition against employees offering financial incentives to TRICARE-eligible employees to use TRICARE in lieu of their employer's health care plan.
- Directs the Secretary of Defense to report on the status of completion of various issues identified by wounded service members and their families and to report on the capabilities for electronic exchange of medical data between DOD and the Department of Veterans Affairs.
- Directs the Comptroller General to conduct a study on DOD efforts to minimize and track hearing loss that occurs, or may occur, as a result of military service.

- Requires the Secretary of Defense to establish a United States Military Cancer Institute in the Uniformed Services University of the Health Sciences.
- Authorizes the Department of Veterans Affairs and the Navy to operate jointly the Captain James A. Lovell Federal Health Care Center in North Chicago and Great Lakes, Illinois.
- Requires person-to-person mental health assessments at designated intervals for service members deployed in connection with contingency operations.
- Requires the Secretary of Defense to conduct a study on the management of medications for physically and psychologically injured service members and to submit a report to Congress on the study by April 1, 2010.
- Requires an assessment of case management services for behavioral health care under TRICARE.

Civilian Personnel

- Authorizes the head of an executive agency to waive limitations on the aggregate of basic and premium pay payable during calendar years 2009 and 2010 to an employee who performs work in an overseas location that is or recently was within the area of responsibility of United States Central Command.
- Directs the Secretary of Defense to submit to a report to Congress on the implementation and utilization of expedited personnel hiring authorities for civilian health care professionals.

Armed Forces Retirement Home

- Authorizes \$134 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 on Airland followed Chairman Levin's full committee markup guidelines, in particular to provide what is needed to succeed in combat and stability operations, to restore the readiness of Army ground forces, and Air Force, and Navy tactical air systems, to enhance the capability of the armed forces to conduct counterinsurgency operations, and to improve efficiency of programs and apply the savings toward high-priority programs. Particular emphasis was placed on addressing the modernization needs of the Army. Specifically, the subcommittee included the following budget recommendations and legislative provisions:

- Requires the Secretary of Defense to carry out a next-generation ground combat vehicle program and a next-generation self-propelled howitzer program for the Army, and requires the Secretary of Defense to submit by March 31, 2010 a strategy and plan for the acquisition of next-generation combat and howitzer vehicles.

- Requires the DDR&E to conduct an assessment of the technological maturity and integration risks of Army modernization programs.
- Requires an independent assessment of the Department's strategy for technology development that could support the modernization of the defense combat vehicle and tactical wheeled vehicle fleets. This assessment would address all aspects of vehicle systems and the full range of operational missions for the Army, Marine Corps, and U.S. Special Operations Command.

Mine Resistant Ambush Protected All-Terrain Vehicles

- Provides \$6.7 billion for the Mine Resistant Ambush Protected (MRAP) Vehicle Fund. This includes an increase of \$1.2 billion above the President's budget request for MRAP All-Terrain Vehicles (M-ATV), which will be deployed to Afghanistan.

Future Combat System

- Future Combat System Manned Ground Vehicle (MGV) – Reallocates \$323.6 million of excess termination liability funds to other Army RDTE efforts in support of a new ground combat vehicle program including vehicle modernization and survivability research, advanced tank armament systems, medium and heavy tactical vehicle development, and combat vehicle manufacturing technology.
- Future Combat System Non-Line of Sight-Cannon (NLOS-C) – Reallocates \$58.2 million of excess termination liability to the Paladin Integration Management (PIM) program to accelerate the upgrade and modernization of the M109A6 Paladin 155mm self-propelled howitzer that will increase the Paladin's performance and reliability, reduce life cycle costs, and address electronic obsolescence issues to meet the Army's needs to 2050.
- Requires the DDR&E to conduct an assessment of the technological maturity and integration risks of Army modernization programs.

Army Aviation Highlights

- UH-60 Blackhawk – Adds \$20.4 million for 12 additional UH-60 Blackhawk A to L model conversions to accelerate modernization. This is in addition to the 38 A to L conversions provided for in the budget request.
- Joint Future Theater Lift – Adds \$53 million to sustain the tilt-rotor industrial base through risk reduction activities while the Department determines how best to exploit technology that could enable fundamentally new ground force operational concepts, a baseline for future vertical takeoff and landing (VTOL) aircraft, and major benefits to commercial aviation.

- A160 Hummingbird UAVs – Adds \$86 million to procure five additional aircraft and supports the sustained deployment of the A160 to Afghanistan equipped with appropriate sensor systems.

Other Army Funding Issues

- Supports the President’s budget request for \$2.5 billion in Army RDTE and procurement for the further development of the former Future Combat System network and “spin out” technologies.
- Provides \$179 million for Force XXI Battle Command Brigade and Below, more commonly called FBCB2. This unfunded requirement was identified by the Army Chief of Staff.
- Reduces funding for the Joint Tactical Radio System Ground Mobile Radio, Single Channel Ground-to-Air Radio System, and Joint Light Tactical Vehicle research and development.

Air Force and Naval Aviation Highlights

- F/A-18E/F – Adds \$560 million to buy 18 F/A-18E/F aircraft in fiscal year 2010 as originally planned, rather than nine aircraft as requested.
- F-22A – Adds \$1.75 billion for buying seven F-22A aircraft, rather than terminating the production program as requested by the Department.
- Joint Strike Fighter (JSF) research and development – Cuts \$146 million to eliminate excess management reserves in the program.
- JSF alternate engine – Adds \$438.9 million to continue development of the F136 Joint Strike Fighter alternate engine.
- C-130 avionics modernization program (AMP) – Cuts \$209.5 million for the AMP request due to delays in beginning the production program.
- CSAR-X – Cuts \$90 million due to availability of prior year funds.
- MP-RTIP – Adds \$92 million to mature MP-RTIP technology for deployment on a large aircraft, in addition to the current plan for fielding the technology on the Global Hawk unmanned aerial vehicle (UAV).
- Litening targeting pod upgrades – Adds \$24 million for upgrading existing Air Force Litening targeting pods.
- Requires a report on issues surrounding potential foreign military sale of the F-22.

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 funding and legislative provisions:

Operations & Maintenance

- Provides full funding for readiness and depot maintenance programs, so as to ensure that forces preparing to deploy are trained and their equipment is ready.
- Funds \$5 million for the Director of Operational Energy Plans and Programs Office to increase oversight and coordinate energy efforts across the military services.
- Adds \$15 million for the DOD IG second year growth plan that will enable the IG to increase oversight related to operations in Iraq and Afghanistan, contract management and acquisitions, and support audits to identify potential waste, fraud, and abuse.
- Adds \$9.9 million for corrosion protection for the Army National Guard and Reserve.
- Adds \$16 million for tactical gear and clothing upgrades to the Army and Marine Corps.
- Extends the Arsenal Support Program Initiative enacted in 2001 and expands the authority for Army industrial facilities to engage in cooperative activities with non-Army entities.

Energy Policy

- Establishes a comprehensive reporting requirement for the Department's efforts to develop and implement plans and strategies to meet energy efficiency requirements established by applicable statutes and Executive Orders. The provision will help Congress and DOD gain visibility on installation renewable energy projects, determine if existing funding mechanisms are sufficient, and provide a cost and feasibility response for implementing the recommendations of the 2008 Defense Science Board Report "More Fight – Less Fuel".
- Requires the Secretary of Defense to identify and address areas in which electricity needed to carry out critical missions could be vulnerable to disruption and the authority needed to award contracts, grants, or other agreements to reimburse private parties for actions taken to address such vulnerabilities.

Logistics

- Reduces costs incurred to acquire and store unneeded inventory by requiring DOD to develop a comprehensive plan to address longstanding problems in its inventory management systems.

Acquisition Policy

- Addresses electrical hazards and faulty wiring that have harmed U.S. personnel in Iraq and Afghanistan by requiring DOD to establish appropriate safety standards for expeditionary facilities used by military or civilian personnel of the Department in current and future military operations.
- Addresses abusive sole-source contracts by requiring DOD to justify all sole-source contract awards in excess of \$20 million in value.
- Prohibits the use of contractor employees to conduct detainee interrogations, effective one year after the date of enactment.

Defense Management

- Improves DOD financial management by requiring the Department to engage in business process reengineering before acquiring new information technology systems and submit regular reports on its progress toward auditable financial statements.
- Places a moratorium on public-private competitions under OMB Circular A-76 until DOD complies with an existing statutory requirement to develop an inventory of activities performed by service contractors that is needed for DOD to manage its service contractors, plan for its civilian employee workforce, and identify functions that should be subject to public-private competition.
- Eliminates arbitrary and outdated caps on DOD personnel performing management functions.

Military Construction

- Provides \$24.2 billion for military construction accounts, a reduction of \$135 million from the budget request.
- Reduces funding by \$235 million for facilities at Army installations now not required because of the reduction in Army Brigade Combat Teams from 48 to 45.
- Reduces funding by \$270 million for Navy construction on Guam that has not yet been fully justified.
- Adds \$250 million for construction projects for the National Guard and Reserves.

- Increases the authorization for the Homeowners Assistance Program by \$350 million. This program was recently enhanced by the American Recovery Reinvestment Act of 2009 (Public Law 111-5) and now provides relief to homeowners who are military services members, wounded warriors, surviving spouses, and defense civilian employees who are forced to relocate because of BRAC, or permanent change of station orders.

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.
- Adds \$25 million for the Readiness and Environmental Protection Initiative to enhance funding of priority projects to protect critical mission training sites by preventing or reducing encroachment through the creation of compatible-use buffer zones.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Emerging Threats and Capabilities Subcommittee, under the leadership of Chairman Jack Reed (D-RI) and Ranking Member Roger Wicker (R-MS), focused on improving DOD capabilities to protect the Nation against emerging threats, including terrorism and the proliferation of weapons of mass destruction (WMD), and helping to transform U.S. forces to meet future threats. The subcommittee authorized increased investment in science and technology programs, nonproliferation programs, special operations forces programs, and chemical and biological defense programs, among others. Specifically, the subcommittee included the following funding and legislative provisions:

Combating WMD and Nonproliferation

- Provides full funding for the U.S. Mixed Oxide fuel program in the National Nuclear Security Administration (NNSA).
- Requires the development of a forensics and nuclear attribution program across the Federal government.
- Adds \$50 million to Nonproliferation Research and Development (R&D) for forensics and other R&D activities at NNSA.
- Provides new authority for the Cooperative Threat Reduction Program at DOD and the International Nuclear Materials Protection and Cooperation program at DOE to address emergency nonproliferation issues.
- Provides no funds for nuclear disablement and dismantlement activities in North Korea.
- Authorizes the Cooperative Threat Reduction program and provides an additional \$10

million for new initiatives outside of the former Soviet Union, \$3 million for Russian and other chemical weapons demilitarization, and \$7 million for strategic offensive arms elimination.

Chemical and Biological Defense Programs

- Funds fully the President's budget request for Chemical and Biological Defense programs (\$1.57 billion).
- Authorizes an additional \$20 million for chem-bio defense programs, including \$10 million for unfunded meritorious proposals under the Transformational Medical Technologies Initiative.
- Funds fully the President's budget request for chemical weapons demilitarization (\$1.56 billion).

Drug Interdiction and Counterdrug Activity Highlights

- Provides full funding for DOD drug interdiction and counterdrug activities.
- Extends three longstanding counterdrug 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;
 - Authority for the Department to provide assistance to Plan Colombia, as well as maintain the limits on U.S. military and civilian personnel in Colombia; and
 - Authority to provide support to certain foreign governments (mostly in South and Central America, Central Asia, and West Africa), and increases the authorized level of assistance provided under this authority to \$100 million per fiscal year.
- Recommends a \$30 million increase in funding for high-priority National Guard counternarcotics programs.
- Recommends small reductions to the counternarcotics activities of U.S. European Command to reflect changes in the Unified Command Plan which assigns the African continent to U.S. Africa Command.

Joint Improvised Explosive Device Defeat Organization

- Provides full funding for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) in the Overseas Contingency Operations component of the budget request.

Science and Technology

- Supports the Secretary of Defense's overall increases for medical research and added \$75 million for additional research on blast injuries, combat casualty care, and other DOD medical research areas.
- Increases funding for science and technology programs investing in next-generation technologies and advanced military capabilities developed by universities, small businesses, and other entities by over \$475 million to a total of \$12.1 billion for fiscal year 2010.
- Increases funding for energy research at DOD on technologies that will reduce operating costs and enhance performance of weapon systems by over \$225 million in areas including hybrid vehicles, batteries, bio fuels, fuel cells, solar cells, and other alternative energy technologies.
- Increases funding for manufacturing research in DOD by roughly \$100 million to support the defense industrial base and reduce the costs of production of weapons systems and our ability to meet surge requirements demands of operating forces. The bill also highlights the importance of manufacturing and of the industrial base by creating a new position, the Assistant Secretary of Defense for Manufacturing and Industrial Base, to oversee manufacturing and industrial base policies and programs.
- Reauthorizes the DOD Small Business Innovation Research program until 2023, consistent with the efforts of Senator Mary Landrieu, Chair of the Senate Committee on Small Business and Entrepreneurship. The program invests in innovative small businesses to develop new technologies to support national defense.

SUBCOMMITTEE ON STRATEGIC FORCES

Under the leadership of the Chairman Bill Nelson (D-FL), and Ranking Member David Vitter (R-LA), the Strategic Forces Subcommittee reviewed DOD programs for national security space, strategic forces, ballistic missile defenses, intelligence, reconnaissance and surveillance, 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

- The markup authorizes funding for the Missile Defense Agency at the level requested in the President's budget request – \$7.8 billion.
- The bill supports all the missile defense decisions announced by the Secretary of Defense on April 6th, including:
 - Adds \$700 million to field additional THAAD and Standard Missile-3 theater missile defense systems;

- Adds \$200 million for conversion of six additional Aegis ships for missile defense capabilities;
 - Caps deployment of Ground-Based Interceptors (GBIs) at 30, and produces all GBIs on contract;
 - Terminates the Multiple Kill Vehicle (MKV) program;
 - Terminates the Kinetic Energy Interceptor (KEI) program;
 - Cancels the second Airborne Laser (ABL), and refocuses the ABL program as a technology research effort.
- Authorizes an increase of \$25 million for the joint U.S.-Israeli development program of a short-range ballistic missile defense system.
 - Includes a provision that would express the Sense of Congress on development, fielding, and testing of ballistic missile defenses.
 - Includes a provision that would require a comprehensive test and evaluation plan for U.S. ballistic missile defense programs.
 - Includes a provision that would require the Secretary of Defense to submit a report on potential ballistic missile cooperation with Russia.
 - Includes a provision that would require a detailed assessment of the Ground-based Midcourse Defense (GMD) system, and a detailed plan for how the Department will achieve and sustain its planned GMD capability.

Space Programs

- Requires DOD, the Department of Commerce, and the National Aeronautic and Space Administration to complete a program management and funding plan and prohibits the Air Force from spending more than 50 percent of the funds available for the National Polar-orbiting Operational Environmental Satellite System (NPOESS) until the plan is submitted. Also, adds \$80 million for NPOESS.
- Provides \$50 million for new military satellite communications technology development for future applications.
- Adds \$40 million for ORS-1 satellite.
- Spaced-based Infrared Satellite (SBIRS) – Adds \$15 million for operations to support utilization of the SBIRS HEO sensor and for the ground control stations.
- Adds \$115 million for Operationally Responsive Space (ORS) to develop new small satellite imaging capability competitively.
- Directs DOD to develop competitively a commercial 1.5-meter imaging satellite

Other Legislative Provisions

- Requires the Secretary of Defense and Director of National Intelligence to report on the plan to meet the bandwidth requirements of each major acquisition program.
- Establishes a life extension program for nuclear weapons.

Department of Energy Programs

- Adds \$30 million to provide additional focus on laboratory support to the intelligence community.
- Includes a provision that defines elements of the life extension program, including modernization and maintenance to sustain nuclear weapons without testing; and requires life extension criteria be developed and also requires an annual report, and repeals the provision directing the DOE to develop a Reliable Replacement Warhead (RRW).
- Requires updated stockpile stewardship criteria.
- Directs the Government Accountability Office to oversee implementation of the Environmental Management American Recovery and Reinvestment Act of 2009 (Public Law 111-5).
- Reduces Environmental Management funding by \$100 million.
- Provides additional \$106.2 million for DOE additional nuclear weapons surveillance, certification, and surety.

Other Issues

- Supports the development of next-generation bomber technologies.

SUBCOMMITTEE ON SEAPOWER

Under the leadership of the Chairman Edward M. Kennedy (D-MA) and Ranking Member Mel Martinez (R-FL), 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:

- Major programs: Provides full funding at the budget request level for most programs, including: Carrier Replacement Program; *Virginia*-class submarine; DDG-1000; DDG-51; Littoral Combat Ship (LCS); V-22; and the P-8 maritime patrol aircraft.

- Requires DOD to treat the LCS as a Major Defense Acquisition Program (MDAP).
- Future surface combatant: Requires that the Navy conduct certain analyses before committing any funds to buy a future surface combatant after fiscal year 2011 to ensure that this acquisition program gets off on the right track.
- Maritime missile defense: Adds \$50 million for a mobile maritime sensor development program to provide options for the Navy in meeting its sea-based missile defense requirements.
- T-AKE dry cargo/ammunition ship: Reduces funding for one of two T-AKE auxiliary ships (-\$400.0 million) in the budget request, pending Quadrennial Defense Review of the Maritime Prepositioning Force (Future) requirements.
- Marine Corps helicopters: Reduces funding for procurement of UH-1/AH-1 Marine Corps helicopters by \$282.9 million to keep production at the fiscal year 2009 level.
- Minimum aircraft carrier force level requirement: Provides authority for temporary reduction in aircraft carrier force levels, as requested by DOD.
- Strategic airlift force levels: Prohibits retirement of C-5 aircraft before the Air Force completes testing, and reports on the results of tests of the C-5 Reliability Enhancement and Re-engining program (RERP). Requires the Secretary of the Air Force to submit certain analyses before retiring any of the strategic airlift aircraft after that prohibition expires.
- Requirement for nuclear-powered ships: Repeals a requirement enacted in the National Defense Authorization Act for Fiscal Year 2008 that would require that all future surface combatants have integrated nuclear propulsion systems. Allows the Navy to conduct analyses of requirements and capabilities for new ship classes without biasing the analyses in favor of one propulsion option or another.

OTHER MATTERS

Military Commissions

- Provides new language for the Military Commissions Act of 2006 (Public Law 109-366) to address a series of issues including the use of coerced testimony and hearsay evidence in a manner intended to achieve greater balance, ensure that convictions can be upheld on appeal, and improve the credibility of the military commissions system.

Building Partnership Capacity

The bill supports the Secretary of Defense's goal of building the capacity of coalition allies and partners to provide security and stability, including:

- Clarifies that DOD’s existing “train and equip” authority allows efforts to build the capacity of coalition partners in Iraq and Afghanistan to conduct stabilization operations and special operations.
- Extends for one year the authority for DOD to support Department of State programs for security and stabilization assistance.
- Provides additional flexibility for the purchase of items under the Combatant Commander Initiative Fund to respond to unanticipated needs.
- Allows the Department to provide administrative support to liaison officers from coalition countries who are assigned temporarily to U.S. Joint Forces Command.
- Supports, in a Sense of the Senate, the ongoing mission of the Western Hemisphere Institute for Security Cooperation and highlights the importance of this Institution in building military-to-military relationships within the Western Hemisphere.

Afghanistan and Iraq Authorities

The bill provides critical funding and authorities for operations in Iraq and Afghanistan/Pakistan, including:

- Funds fully the Administration’s request for nearly \$7.5 billion for the Afghanistan Security Forces Fund to train and equip the Afghan National Army and Afghan National Police.
- Provides significant funding for the Commanders’ Emergency Response Program (CERP) in Iraq and Afghanistan for humanitarian relief and reconstruction projects and authorizes \$100 million of CERP funds to be used to support the Afghanistan National Solidarity Program, which promotes Afghan-led local development.
- Authorizes Coalition Support Funds for Pakistan and other key nations cooperating in contingency operations in Iraq and Afghanistan.
- Establishes conditions for DOD’s use of the Pakistan Counterinsurgency Fund, to be resourced with up to \$700 million transferred from the State Department, in order to build the capacity of the Pakistan Frontier Corps and train the Pakistan Army in counterinsurgency operations.
- Emphasizes the need to establish comprehensive measures of progress for the Administration’s strategy for Afghanistan and Pakistan and report to Congress regularly on efforts to achieve progress in that region.

National Security Personnel System

- Supports the DOD civilian workforce and improves the management of DOD civilian personnel by: (1) freezing the expansion of the National Security Personnel System (NSPS); (2) terminating NSPS unless the Secretary of Defense certifies that termination would not be in the best interest of the Department and provides a specific schedule of changes that will be made to improve fairness, credibility, and transparency of the system; and (3) authorizing DOD to establish a program of leadership recruitment and development to help the Department bring in the most highly-qualified personnel possible, as it implements the Secretary's plans to increase the civilian workforce by 30,000 positions by 2015.

Other Issues

- Enhances the ability of the DOD IG to conduct audits and investigations by authorizing the IG to subpoena witnesses to provide testimony, subject to the approval of the Department of Justice.
- Streamlines and restructures DOD management positions by eliminating 22 of the 28 current Deputy Under Secretary of Defense positions and creating new Assistant Secretary of Defense positions where appropriate.
- Urges the commercial shipping industry to develop and implement effective piracy countermeasures including the employment of private armed shipboard security teams capable of responding to and preventing pirate attacks when transiting the Gulf of Aden and waters off the east coast of Somalia.

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