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**111th Congress (2009 - 2010)**  
**H.R.5136**  
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**H.R.5136**

**Title:** National Defense Authorization Act for Fiscal Year 2011

**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (by request) (introduced 4/26/2010) [Cosponsors](#) (1)

**Related Bills:** [H.RES.1404](#), [H.RES.1467](#), [H.R.5013](#), [S.3454](#)

**Latest Major Action:** 6/28/2010 Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 447.

**House Reports:** [111-491](#), [111-491](#) Part 2

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**SUMMARY AS OF:**

5/28/2010--Passed House amended. (There are 2 [other summaries](#))

National Defense Authorization Act for Fiscal Year 2011 - **Division A: Department of Defense Authorizations - Title I: Procurement - Subtitle A: Authorization of Appropriations** - (Sec. 101) Authorizes appropriations for FY2011 for the Army, Navy and Marine Corps, and Air Force for aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement.

(Sec. 104) Authorizes appropriations for FY2011 for defense-wide procurement.

**Subtitle B: Army Programs** - (Sec. 111) Prohibits the Secretary of Defense (DOD) (Secretary) from procuring more than two brigade sets of early-infantry brigade combat team increment one equipment, including the procurement of a long-lead item for an element of such a set. Authorizes the Under Secretary of Defense for Acquisition, Technology, and Logistics (Under Secretary) to waive such limitation upon a specified certification to Congress, including that initial operational test and evaluation of the brigade set has been completed and the results thereof have been reported to Congress. Provides an exception to such limitation.

(Sec. 112) Directs the Secretary of the Army to report to the congressional defense and appropriations committees on plans for fielding tactical communications network equipment. Prohibits the obligation or expenditure of more than 50% of the FY2011 Army procurement funds for tactical radios or communications network equipment until 15 days after such report is submitted. Provides an exception to such limitation.

(Sec. 113) Prohibits the obligation or expenditure of Army procurement funds for line-haul tractors unless the source selection is made based on a full and open competition. Authorizes a waiver of such prohibition if the Secretary of the Army certifies to the defense and appropriations committees, within 90 days after the enactment of this Act, that a sole source selection is either needed to fulfill mission requirements or is more cost-effective than a full and open competition.

**Subtitle C: Navy Programs** - (Sec. 121) Authorizes the Secretary of the Navy to use incremental funding for the procurement of a large naval vessel over three-fourths of the total period of planned ship construction of such vessel. Provides specific conditions for the use of such funding through FY2012 with respect to the vessel designated LPD 26.

(Sec. 122) Amends the National Defense Authorization Act (NDAA) for Fiscal Year 2010 relating to multiyear procurement authority for the F/A-18E and F, and EA-18G aircraft to authorize the Secretary to submit to the defense and appropriations committees by September 1, 2010, an updated report on such procurement. Provides for the use of authorized and excess funds for such procurement.

(Sec. 123) Directs the Secretary of the Navy to report to the defense and appropriations committees on the missile defense requirements of the major combatant surface vessels.

**Subtitle D: Air Force Programs** - (Sec. 131) Amends the NDAA for Fiscal Year 2010 to extend through FY2011 a prohibition on the use of Air Force funds for the F-22 aircraft until the submission to Congress of a plan for the preservation and storage of unique tooling related to the production of hardware and end items for such aircraft.

**Subtitle E: Joint and Multiservice Matters** - (Sec. 141) Prohibits the obligation or expenditure during FY2011 of more than that necessary for the procurement of 30 F-35 Lightning II aircraft until: (1) specified certifications from the Under Secretary and the Director of Operational Test and Evaluation concerning such aircraft have been received by the defense and appropriations committees by January 15, 2011; and (2) 15 days have elapsed since such receipt. Allows the Secretary to waive such limitation under specified circumstances.

(Sec. 142) Prohibits the obligation or expenditure of more than 85% of the FY2011 funding for biometrics programs and operations until the Secretary reports to the defense and appropriations committees on actions taken with respect to such programs and operations, including the implementation of various recommendations. Prohibits any such funds from being obligated or expended until the Under Secretary approves the obligation or expenditure in writing.

(Sec. 143) Requires the Secretary to develop and maintain a comprehensive database of information for coordinating, tracking, and archiving each counter-improvised explosive device initiative within DOD. Directs the Secretary to: (1) develop means to measure the effectiveness of such initiatives; and (2) prioritize their funding.

(Sec. 144) Requires the Secretary to: (1) contract with a federally funded research and development center (FFRDC) to conduct a study on lightweight body armor solutions for members of the Armed Forces (members); and (2) report study results to the defense and appropriations committees.

**Title II: Research, Development, Test, and Evaluation - Subtitle A: Authorization of Appropriations** - (Sec. 201) Authorizes appropriations for FY2011 for DOD for research, development, test, and evaluation (RDT&E).

**Subtitle B: Program Requirements, Restrictions, and Limitations** - (Sec. 211) Expresses the sense of Congress that: (1) as Ohio-class ballistic missile submarines reach the end of their service life and are retired, the United States must maintain its robust sea-based strategic deterrent force; (2) the Secretary should conduct a comprehensive analysis of alternative capabilities to provide such deterrence; and (3) prior to requesting research and development (R&D) funding to develop a replacement for the Ohio-class submarine force, the Secretary should have made available to Congress guidance with respect to the analysis of alternative capabilities, and the results of such analysis. Prohibits more than 50% of the funds made available for FY2011 for Navy R&D funding from being obligated or expended to research or develop a replacement submarine for the Ohio-class force unless: (1) the Secretary reports to the defense and appropriations committees the guidance issued and an analysis of alternative ballistic missile submarine capabilities; and (2) 30 days have elapsed since such report.

(Sec. 212) Prohibits the obligation of more than 75% of the FY2011 funds for RDT&E for the F-35 Lightning II aircraft program until 15 days after the Under Secretary certifies to the defense and appropriations committees that all FY2011 funds for the continued development and procurement of a competitive propulsion system for such aircraft have been obligated.

(Sec. 213) Requires the Secretary, for the budget for FY2012 and thereafter, to include in budget materials a request for amounts necessary for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II aircraft. Requires the inclusion of full funding for such system in each future-years defense program. Directs the Secretary to ensure the obligation and expenditure in FY2011 and thereafter of sufficient amounts for the continued development and procurement of two options for such propulsion system.

(Sec. 214) Directs the Secretary, in the budget materials submitted for FY2012 and thereafter, to ensure that within each RDT&E account of the Army and Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.

**Subtitle C: Missile Defense Programs** - (Sec. 221) Prohibits the use of DOD funds for FY2011 or thereafter for construction or deployment of a medium- or long-range missile defense system in Europe until: (1) the nation agreeing to host such system has signed and ratified a missile defense basing agreement and a status of forces agreement; and (2) 45 days have elapsed since the Secretary submits to the defense and appropriations committees the report on an independent assessment of missile defense systems in Europe required under the NDAA for Fiscal Year 2010. Prohibits the use of DOD funds for FY2011 or thereafter for the procurement or deployment of operational missiles of a missile defense system in Europe until the Secretary submits to such committees a report certifying that the proposed interceptor deployed as part of such system has demonstrated a high probability of working effectively and that the system has the ability to accomplish its mission.

(Sec. 222) Amends the NDAA for Fiscal Years 1988 and 1989 to repeal the prohibition on DOD contracts with foreign entities on RDT&E related to missile defense.

(Sec. 223) Expresses the sense of Congress that the new phased, adaptive approach to missile defense in Europe, as announced by the President, should be supported by sound analysis, plans, schedules, and technologies, and that Congress should have access to such information in order to conduct effective oversight. Directs: (1) the Secretary to report to the defense and appropriations committees on such approach; and (2) the Comptroller General (CG) to report to such committees assessing the Secretary's report. Limits the obligation or expenditure of defense-wide operation and maintenance funds until submission of the Secretary's report.

(Sec. 224) States U.S. policy for fielding missile defense systems in Europe, including the use of the standard missile-3 block IIA interceptor to defend against intermediate-range ballistic missiles launched from the Middle East, and the use of the IIB interceptor to defend against intercontinental ballistic missiles (ICBMs) launched from the Middle East.

(Sec. 225) Directs the Secretary to contract with an independent entity to assess DOD plans for defending the United States against the threat of attack by ballistic missiles, including electromagnetic pulse attacks, as described in the Ballistic Missile Defense Review submitted to Congress and a related report required under the NDAA for Fiscal Year 2010. Requires the Secretary to report such study's results to the defense and appropriations committees.

(Sec. 226) Directs the Secretary to: (1) conduct a joint capabilities mix study on U.S. ballistic missile defense; and (2) report study results to the defense and appropriations committees.

(Sec. 227) Requires the Secretary to report semiannually to the defense and appropriations committees on the standard missile system, particularly with respect to standard missile-3 blocks IIA and IIB.

**Subtitle D: Reports** - (Sec. 231) Directs the Secretary of the Army to report to the defense and appropriations committees on the Army's Ground Combat Vehicle program. Prohibits more than 50% of Ground Combat Vehicle RDT&E funding from being obligated or expended until 30 days after such report is submitted.

(Sec. 232) Requires the Secretary of the Army to: (1) conduct a cost-benefit analysis of future munitions to be fired from the M1 Abrams main battle tank to determine the proper investment to be made in such munitions; and (2) submit analysis results to the defense and appropriations committees.

(Sec. 233) Directs the CG: (1) from the enactment of this Act through March 1, 2018, to conduct an annual review of the VH(XX) aircraft acquisition program; and (2) during such period, to report review results to the defense and appropriations committees.

(Sec. 234) Requires the Under Secretary to: (1) form a joint assessment team to review the joint effects targeting system; and (2) report review results to the defense and appropriations committees.

**Subtitle E: Other Matters** - (Sec. 241) Directs the Secretary to: (1) carry out a program to operationally test and evaluate non-lethal weapons that provide counter-personnel escalation of force options to members deploying in support of a contingency operation; (2) report to the defense and appropriations committees on such program. Requires the Secretary, for each budget submitted for FY2012 and thereafter, to ensure that within each military department procurement account a separate, dedicated procurement line item is designated for non-lethal weapons.

(Sec. 242) Requires the Secretary to: (1) carry out a pilot program to develop and incorporate technology protection features in a designated defense system during its R&D phase; and (2) report annually to the defense and appropriations committees during the pilot program. Provides pilot program funding from defense-wide RDT&E funds. Terminates the pilot program on October 1, 2015.

(Sec. 243) Directs the Secretary, in coordination with the Secretary of Energy (DOE), to carry out a collaborative energy security pilot program involving one or more partnerships between a military installation and a DOE national laboratory, for the purpose of evaluating and validating secure, salable microgrid components and systems for deployment. Requires: (1) such Secretaries to jointly select each installation and laboratory for program participation; (2) the pilot program to be at least three years in duration; and (3) the Secretary to submit an initial and final pilot program report to the defense and energy committees. Provides pilot program funding from defense-wide RDT&E funds.

(Sec. 244) Requires the Secretary to report to the defense, appropriations, and small business committees on regional advanced technology clusters, including a strategic plan for the development of technologies such as robotics and autonomous systems to address national security, homeland security, and first responder challenges.

(Sec. 245) Expresses the sense of Congress that: (1) the United States should establish R&D facilities to take the lead in producing the next generation of integrated circuits; (2) DOD should support the establishment of a public-private partnership to develop extreme-ultraviolet lithography (EUVL) technologies on 300 micrometer and 450 micrometer wafers; and (3) the targeted feature size of integrated circuits for EUVL development in the United States should be the 15 nanometer node.

**Title III: Operation and Maintenance - Subtitle A: Authorization of Appropriations** - (Sec. 301) Authorizes appropriations for FY2011 for operation and maintenance (O&M) for the Armed Forces and specified activities and agencies of DOD.

**Subtitle B: Energy and Environmental Provisions** - (Sec. 311) Authorizes the Secretary to transfer a specified amount to the Hazardous Substance Superfund as reimbursement to the Environmental Protection Agency (EPA) for environmental response actions performed at the Twin Cities Army Ammunition Plant, Minnesota.

(Sec. 312) Authorizes the Secretary to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the EPA against Naval Air Station, Brunswick, Maine.

(Sec. 313) Directs the Secretary to submit to Congress a testing and certification plan for the operational use of an aviation biofuel derived from materials that do not compete with food stocks.

(Sec. 314) Requires the Secretary of each military department to report to Congress identifying hybrid or electric propulsion systems and other vehicle technologies that reduce consumption of fossil fuels and are suitable for incorporation into the current fleet of tactical motor vehicles of such department.

(Sec. 315) Amends the Energy Independence and Security Act of 2007 to provide that the alternative fuel procurement requirement of such Act shall not prohibit a federal agency from contracting to purchase a generally available fuel that is not an alternative or synthetic fuel or one predominantly produced from a nonconventional petroleum source if: (1) the contract does not specifically require the provision of such a fuel; (2) the purpose of the contract is not to obtain such a fuel; and (3) the contract does not provide incentives for a refinery upgrade or expansion to allow the refinery to use or increase its use of fuel from a nonconventional petroleum source.

(Sec. 316) Directs the Secretary to provide the Agency for Toxic Substances and Disease Registry (ATSDR) with an electronic inventory of all documents and data pertaining to the listed contamination sites at Camp Lejeune, North Carolina, as well as all such documents and data pertaining to the contaminated drinking water there. Requires documents or data generated after the date of enactment of this Act to also be provided to ATSDR. Requires the Secretary of the Navy to ensure that DOD personnel with appropriate experience and expertise are utilized to identify, compile, and submit existing and new documents, records, and data in Navy and Marine Corps records that would assist ATSDR in gathering data relating to the contamination and remediation of Camp Lejeune base-wide drinking-water systems.

**Subtitle C: Workplace and Depot Issues** - (Sec. 321) Makes technical corrections relating to a required annual DOD inventory of services performed by contractors.

(Sec. 322) Amends the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Thurmond Act) to repeal certain conditions on the expansion of functions performed under prime vendor contracts for depot-level maintenance and repair.

(Sec. 323) Directs the Secretary to establish a pilot program to implement a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq. Requires an annual report from the Secretary to the defense and appropriations committees during the pilot program. Terminates the pilot program at the end of FY2013. Provides that, after such date, implementation of a best value procurement standard for such contracts shall be at the Secretary's discretion.

(Sec. 324) Requires the Secretary to issue policy guidance requiring, as a condition for the award of certain DOD contracts for the provision of private security functions, that each contractor receive certification from a third party that the contractor adheres to specified operational and business practice standards. Makes such requirement inapplicable to contracts entered into by intelligence community elements in support of intelligence activities.

(Sec. 325) Prohibits the Secretary from establishing, applying, or enforcing any goals, targets, or quotas for the conversion of DOD contractor functions to performance by DOD civilian personnel, unless such goal, target, or quota is based on considered research and analysis required under federal law. Directs: (1) the Secretary to report to the defense and appropriations committees on any such conversions made during FY2010; and (2) the CG to submit to such committees an assessment of such report.

(Sec. 326) Provides that, for purposes of conducting a cost comparison for determining whether to convert a function from contractor performance to performance by DOD civilian employees, the costs of employer contributions made by DOD or a contractor toward employer-sponsored health and retirement benefit plans shall not be considered unless, in the case of contributions made by a contractor, the contractor does not receive an advantage for reducing costs for DOD.

**Subtitle D: Reports** - (Sec. 331) Changes from annual to biennial a currently-required report on the condition of military museums.

(Sec. 332) Requires inclusion in a currently-required annual report from the Secretary on funding provided for corrosion mitigation and control of annual corrosion reports submitted to the Secretary by the military departments.

(Sec. 333) Amends the John Warner National Defense Authorization Act for Fiscal Year 2007 to: (1) eliminate out-of-date reporting requirements; and (2) repeal a redundant ground forces readiness report requirement.

(Sec. 334) Directs the Commander of the United States Northern Command and the North American Aerospace Defense Command to report to the defense committees on the Air Sovereignty Alert Mission and Operation Noble Eagle.

(Sec. 335) Requires the Secretary of the Air Force to report to the defense committees on the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses mission (SEAD/DEAD mission) as a responsibility of the Air National Guard.

(Sec. 336) Directs the Commander of the United States Transportation Command to update the study entitled "PORT LOOK 2008 Strategic Seaports Study."

(Sec. 337) Directs the Secretary, in conjunction with the Administrator of the National Aeronautics and Space Administration (NASA), to study, and report on, the feasibility of joint usage of the National Aeronautics and Space Administration Shuttle Logistics Depot in Cape Canaveral, Florida, to supplement requirements for products and services in support of reset initiatives, Advanced Technology Clusters, engineering and reverse engineering

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

**Subtitle E: Limitations and Extensions of Authority** - (Sec. 341) Authorizes the Secretary of a military department to impose landing fees for the use by civil aircraft of domestic military airfields and use such fees for airfield O&M.

(Sec. 342) Amends the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Spence Act) to: (1) repeal certain purposes of the Arsenal Support Program Initiative; (2) disestablish Initiative-related loan guarantees; (3) authorize the Secretary of the Army to extend the Initiative through FY2012; (4) direct such Secretary to prioritize remaining Initiative purposes; and (5) direct such Secretary to report to Congress on Initiative priorities.

(Sec. 343) Amends the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Hunter Act) to extend through FY2012 the authority of the Secretary of the Navy to purchase meals on Navy ships for certain non-Navy individuals during the execution of humanitarian and civic assistance missions.

(Sec. 344) Prohibits the obligation or expenditure of more than 50% of funds authorized for FY2011 for the Human Terrain System until the Secretary of the Army submits a certain System assessment, validation, and certification to the defense and appropriations committees.

(Sec. 345) Limits Office of the Secretary of Defense budget activity four spending pending submission to the defense and appropriations committees of classified justification materials.

(Sec. 346) Prohibits the Secretary of the Air Force from retiring any C-130 aircraft until 30 days after such Secretary submits to the defense and appropriations committees a written agreement concerning such aircraft between the Director of the Air National Guard, the Commander of the Air Force Reserve Command, and the Chief of Staff of the Air Force.

(Sec. 347) Prohibits the demilitarization or destruction of small arms ammunition and ammunition components that are excess to military requirements, and requires that they be made available for commercial sale.

(Sec. 348) Prohibits any FY2011 DOD funds from being made available to implement the Air Force FY2011 Force Structure Announcement until 45 days after the Secretary of the Air Force: (1) reports to the defense committees on the follow-on missions for bases affected by the 2010 Combat Air Forces restructure; and (2) certifies to such committees that the Air Sovereignty Alert Mission will be fully resourced with required funding, personnel, and aircraft.

**Subtitle F: Other Matters** - (Sec. 351) Authorizes the Secretary to prescribe an expedited process for completing background investigations for: (1) DOD personnel and DOD contractor personnel who are engaged in sensitive duties critical to national security; and (2) an individual submitting an application for DOD employment for which a security clearance is required who is a member of the Armed Forces who was retired or separated for physical disability. Authorizes the use of DOD O&M funds for such purpose.

(Sec. 352) Authorizes the adoption of military working dogs by family members of a member who is killed in action, dies of wounds received in action, or is so seriously wounded in action that the member will likely receive a medical discharge.

(Sec. 353) Revises provisions authorizing DOD to transport civilian passengers and commercial cargoes on DOD naval vessels when such transportation is not commercially available to: (1) include vehicles and aircraft operated by DOD within such authority; and (2) provide for the crediting of reimbursement received for transportation provided in response to an emergency, disaster response, or humanitarian request. Provides that, during the five-year period beginning on the date of enactment of this Act, and when space is available, the Secretary may provide such transportation, without charge, for allied forces or civilians as part of a contingency operation or disaster response. Requires an annual report from the Secretary to the defense committees for any year in which the Secretary provides transportation described in this section.

(Sec. 355) Directs the CG to: (1) perform an inventory of all modeling and simulation tools used to develop and analyze DOD's annual budget submission and to support decision-making inside the budget process; and (2) report inventory results to the defense committees. Requires: (1) the Secretary to contract with an FFRDC to carry out a study examining requirements for and capabilities of modeling and simulation tools used by DOD to support the annual budget process; and (2) the chief executive officer of the selected FFRDC to report study results to the defense committees.

(Sec. 356) Expresses the sense of Congress that: (1) the High-Altitude Army Aviation Training Site continues to be critically important to ensuring the readiness and capabilities of rotor-wing military pilots; and (2) DOD should take all appropriate actions to prevent encroachment on such Site.

(Sec. 357) Requires the Secretary to: (1) conduct a study on the effectiveness of simulated tactical flight training in a sustained g environment; and (2) submit study results to the defense and appropriations committees.

(Sec. 358) Directs the Secretary to: (1) carry out a study to identify any areas where military installations and operations could be affected by any proposed construction, alteration, establishment, or expansion of structures interfering with air commerce; and (2) designate a single organization within DOD to act as the executive agent for such study and coordinate hazard determinations and response actions with the Secretary of Transportation.

(Sec. 359) Expresses the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

(Sec. 360) Authorizes the Secretary to make nonlethal excess DOD supplies available to support domestic emergency assistance activities.

(Sec. 361) Revises provisions concerning unauthorized or improper disposition of DOD clothing, arms, articles, equipment or other property. Prohibits any member, civilian federal employee, employee or agent of a contractor, or other person to dispose of such property in violation of applicable DOD demilitarization regulations. Makes such requirements retroactive to any military or DOD property improperly disposed of after January 1, 2002.

(Sec. 362) Authorizes the Secretary and the military department secretaries, in paying a claim for loss or damage occurring during the transportation of household goods of military personnel, to pay the claim on the basis of full replacement value in certain circumstances in which contractor reimbursement is not available or the contractor is excluded from liability.

**Title IV: Military Personnel Authorizations - Subtitle A: Active Forces** - (Sec. 401) Sets forth authorized end strengths for active-duty forces as of the end of FY2011.

(Sec. 402) Revises permanent active-duty end strength minimum levels.

**Subtitle B: Reserve Forces** - (Sec. 411) Sets forth authorized end strengths as of the end of FY2011 for members of the Selected Reserve and

reserve personnel on active duty in support of the reserves.

(Sec. 413) Sets forth minimum end strengths for FY2011 for Army and Air Force dual status military technicians.

(Sec. 414) Provides a FY2011 limitation on the number of non-dual status Army and Air Force military technicians.

(Sec. 415) Sets forth the maximum number of reserve personnel authorized to be on active duty for operational support during FY2011.

**Subtitle C: Authorization of Appropriations** - (Sec. 421) Authorizes appropriations for FY2011 for military personnel.

**Title V: Military Personnel Policy - Subtitle A: Officer Personnel Policy Generally** - (Sec. 501) Exempts DOD health care professionals being considered for regular (under current law, only reserve) officer appointments from the requirement that they be commissioned prior to age 42. Exempts from the requirement to retire upon attaining age 62 not only DOD physicians, dentists, and nurses (current law), but other health care personnel providing health care, clinical duties, or health care-related administrative duties.

(Sec. 502) Provides that, with respect to appointments in the regular grade W-1, the Secretary of the military department concerned (Secretary concerned) may provide by regulation that such appointments be made by commission by the President within that department. Requires appointments in permanent reserve warrant officer grades to be made in the same manner as appointments for regular warrant officer grades.

(Sec. 503) Prohibits the disclosure of proceedings of special selection boards convened to consider the promotion of officers on the active-duty list or reserve active-status list to any person not a member of such board, except as authorized or required to process the report of that board.

(Sec. 504) Requires administrative removal from the promotion list by the Secretary concerned of an officer on the active-duty list who is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of promotion consideration. Applies identical removal standards to regular officers serving on the active-duty list and reserve officers serving on the active-status list.

(Sec. 505) Expands the list of officers eligible to serve on boards of inquiry for the separation of regular officers and reserve officers in active status for substandard performance and other reasons. Requires all board members to be senior in rank or grade to the officer being considered for such separation. (Under current law, all board members must be in a grade above major or lieutenant commander, regardless of the grade or rank of the officer being considered.)

(Sec. 506) Provides temporary authority, from the date of enactment of this Act through FY2013, for the Secretary concerned to reduce from ten to eight years the minimum length of active-duty service as a commissioned officer prior to eligibility for voluntary retirement.

**Subtitle B: Reserve Component Management** - (Sec. 511) Requires individual pre-separation counseling for reserve members (under current law, only active-duty members) whose discharge or release from service is anticipated as of a specific date.

(Sec. 512) Provides the policy for the correction of military records of reserve members.

(Sec. 513) Removes statutory distribution limits on the allocation of Navy Reserve flag officers.

(Sec. 514) Makes the military technician (dual status) unit membership requirement inapplicable to an individual employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that no more than 50% of such technicians may be assigned outside of the unit program at any one time.

(Sec. 515) Authorizes the Secretary of the Army or Air Force to designate a non-dual status military technician to fill a vacancy created by the mobilization of a dual-status military technician within the Selected Reserve. Makes such period of employment the shorter of two years or the period of the mobilization. Terminates such authority two years after the enactment of this Act.

(Sec. 516) Revises membership and operational aspects of the Reserve Forces Policy Board, including reducing the number of members from 24 to 20, and providing both voting and nonvoting members.

(Sec. 517) Extends to National Guard technicians the right to appeal grievances and adverse actions to the Merit Systems Protection Board. (Under current law, such technicians may not make appeals beyond the adjutant general of the jurisdiction concerned.)

**Subtitle C: Joint Qualified Officers and Requirements** - (Sec. 521) Revises the definition of "joint matters" for purposes of DOD joint officer management.

(Sec. 522) Allows selection boards convened to consider the promotion of officers on the active-duty list to also consider officers who: (1) are serving or have served on the Joint Staff; or (2) are joint qualified officers. Updates promotion board joint information report requirements to match the consideration of the additional officers.

(Sec. 523) Amends the NDAA for Fiscal Year 2008 to authorize the Secretary of Veterans Affairs (VA) to develop and implement a secure electronic method of forwarding DD Form 214 (Release or Discharge from Active Duty) to the appropriate VA offices. Requires such Secretary to ensure that information provided is not disclosed or used for unauthorized purposes, and allows such Secretary to cease the electronic forwarding of such forms if demonstrated problems arise.

**Subtitle D: General Service Authorities** - (Sec. 531) Extends through 2012 the temporary authority of the Secretary concerned to order retired members to active duty in high-demand, low-density assignments or in other specialties designated as critical to meet wartime or peacetime requirements. Requires a report from the Secretary to the defense committees assessing the need to extend such authority beyond such date.

(Sec. 532) Directs the Secretary concerned, in establishing military records correction procedures, to require a board established for such purpose to present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the claimant who requested the correction. Provides the same requirement with respect to review board decisions regarding discharge or dismissal, as well as disability retirement and separation review boards. Requires disability retirement and separation review boards to be made available to enlisted members (under current law, only to officers). Extends through 2013 current minimum personnel level requirements within the service review agencies of the military departments.

(Sec. 533) Directs the Secretary to modify DD Form 214 to include a new block to permit a member to include an e-mail address at which the member may be reached after such discharge or release.

(Sec. 534) Honors women who have served and are serving as members of the Armed Forces. Encourages the people of the United States to recognize the service and achievements of female members and veterans. Requires the Secretary to: (1) conduct a review of military occupational positions available to female members; and (2) report review results to the defense and appropriations committees.

(Sec. 535) Includes within information required to be included in pre-separation counseling for members and their spouses: (1) survivor benefits; (2) budgeting, saving, credit, loans, and taxes; (3) home loan services and housing assistance benefits; and (4) information on how a member can receive additional counseling regarding the member's actual entitlement to benefits and assistance in applying for such benefits.

(Sec. 536) Provides for repeal of the current DOD policy concerning homosexuality in the Armed Forces, to be effective 60 days after the Secretary has received DOD's comprehensive review on the implementation of such repeal, and the President, Secretary, and JCS Chairman certify to Congress that they have considered the report and proposed plan of action, that DOD has prepared the necessary policies and regulations to exercise the discretion provided by such repeal, and that implementation of such policies and regulations is consistent with the standards of military readiness and effectiveness, unit cohesion, and military recruiting and retention. Provides that, until such time as the above conditions are met, the current policy shall remain in effect.

**Subtitle E: Military Justice and Legal Matters** - (Sec. 541) Authorizes the Secretary concerned to continue a warrant officer on active duty and to delay a pending separation or retirement (without prejudice) until any action to consider trying such officer by court-martial has been completed.

(Sec. 542) Amends the Uniform Code of Military Justice (UCMJ) to expand a military judge's authority to punish contempt in military justice proceedings to include under such authorized punishment one who willfully disobeys the court's lawful writ, process, order, rule, decree, or command. Increases from \$100 to \$1,000 the authorized fine.

(Sec. 543) Prohibits information relating to the titling or indexing of a member contained in any criminal investigative report prepared or maintained by DOD for potential retrieval and analysis by DOD law enforcement organizations from being used in connection with any personnel action involving the member. Provides exceptions.

(Sec. 544) Amends the Servicemembers Civil Relief Act to provide that, if a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous order, or issue a new order, that changes such custody arrangement until after the completion of such deployment. Prohibits a court from considering the absence of a member due to such deployment in determining the child's best interests. Allows preemption of such requirement by any federal or state law that provides a higher standard of protection to the rights of the parent-servicemember.

(Sec. 545) Directs the Secretary to: (1) ensure that all command actions related to domestic violence incidents involving members are entered into all DOD law enforcement systems; (2) issue DOD family advocacy program guidance; and (3) complete, within one year after the enactment of this Act, the implementation of specified recommendations of the CG relating to military-related domestic violence reporting and prevention. Requires a report from the Secretary to the defense and appropriations committees on planned actions.

(Sec. 546) Directs the Secretary to release to the public the restricted annex that was part of the January 2010 DOD Report of the Independent Review Related to Fort Hood and the attack there on November 5, 2009.

**Subtitle F: Member Education and Training Opportunities and Administration** - (Sec. 551) Revises the education loan repayment program for enlisted members on active duty in specified military specialties, as well as members of the Selected Reserve, to: (1) require repayment by a person who fails to complete the period of required service; and (2) authorize the Secretary to allow for the lump-sum payment of any loan repayment due to a member's death or disability occurring or incurred in the line of duty.

(Sec. 552) Requires military academy graduates to serve the full period of active duty service obligation associated with academy attendance, notwithstanding that their participation in the Armed Forces Health Professions Scholarship and Financial Assistance Program requires them to resign their regular commission and serve as a reserve officer.

(Sec. 553) Authorizes the Secretary concerned to waive the maximum age limit (generally, 23) for admission of an enlisted member to a military academy if the member: (1) was or is prevented from being admitted beforehand as a result of service on active duty in a theater of operations for Operations Iraqi Freedom or Enduring Freedom; or (2) possesses an exceptional overall record that sets the member apart from other candidates. Prohibits: (1) such waiver if the member would pass their 26th birthday by July 1 of the year of admission; and (2) more than five members from attending each of the academies at any one time under such authority.

(Sec. 554) Requires the Secretary to report to Congress evaluating the feasibility and cost of authorizing enlisted personnel to enroll in Community College of the Air Force associate degree programs.

**Subtitle G: Defense Dependents' Education** - (Sec. 561) Earmarks specified DOD O&M funds for providing assistance to local educational agencies (LEAs) with significant numbers of military dependent students, as well as to LEAs with significant enrollment changes due to base closures, force structure changes, or force relocations.

(Sec. 562) Authorizes the Secretary to permit the enrollment in DOD domestic dependent elementary and secondary schools of dependents of members who reside in temporary housing in lieu of permanent quarters on a military installation.

**Subtitle H: Decorations, Awards, and Commemorations** - (Sec. 571) Requires the Secretary to submit the discussion and rationale regarding favorable recommendations for the award of the Medal of Honor to the defense committees and the Member of Congress requesting the review.

(Sec. 572) Directs that a lapel button be designed, as approved by the Secretary, to identify and recognize the spouse of a member who is serving or has served in a combat zone for more than 30 days. Requires such button to be known as the spouse-of-a-combat-veteran lapel button. Authorizes the Secretary to use appropriated funds to procure such buttons, and to provide for their presentation to eligible spouses. States that the 30-day service period shall not apply if the member is killed or wounded before its expiration. Expresses the sense of Congress that, as soon as the buttons become available, the Secretary should: (1) widely announce their availability through military and public information channels; and (2) encourage commanders at all levels to conduct ceremonies recognizing the support provided by such spouses and to use such ceremonies as an opportunity for members to present their spouses with the button.

(Sec. 573) Directs that a lapel button be designed, as approved by the Secretary, to identify and recognize a child dependent of a member who serves on active duty for more than 30 days. Requires such button to be known as the children of military service members commemorative lapel button. Authorizes the Secretary to use appropriated funds to procure such buttons, and to provide for their presentation to eligible dependents. Expresses the sense of Congress that, as soon as the buttons become available, the Secretary should: (1) widely announce their availability through military and public information channels; and (2) encourage commanders at all levels to conduct ceremonies recognizing the support provided by such children and to use such ceremonies as an opportunity for members to present their children with the button.

(Sec. 574) Restricts the award of the Bronze Star to individuals who were: (1) serving in a geographic area in which hostile fire/imminent danger or hazardous duty pay was authorized at the time the events occurred for which the medal would be awarded; and (2) in receipt of such pay as a result of such events.

(Sec. 575) Directs the Secretary concerned to award the Vietnam Service Medal in lieu of the Armed Forces Expeditionary Medal awarded for participation in the Mayaguez rescue operation of May 12-15, 1975.

(Sec. 576) Authorizes the President to award the Medal of Honor to the following individuals for conspicuous acts of valor during their military service: (1) First Lieutenant Alonzo H. Cushing, Civil **War**; (2) Private John A. Sipe, Civil **War**; (3) Chaplain (Captain) Emil J. Kapaun, Korean **War**; and (4) Specialist Four Robert L. Towles, Vietnam **War**.

(Sec. 577) Authorizes and requests the Secretary of the Army to award the Distinguished Service Cross to former Captain Jay C. Copley, US Army, for acts of valor during the Vietnam **War**.

(Sec. 578) Authorizes the Secretary to establish and conduct a program to commemorate the 60th anniversary of the Korean **War**, and to coordinate and support other programs of the federal government, state and local governments, and other persons and organizations in commemoration of such **War**. Outlines authorized commemoration activities and objectives. Establishes the Department of Defense Korean **War** Commemoration Fund for such purposes. Authorizes the acceptance of voluntary services in conjunction with program objectives and activities. Provides that if the Secretary conducts such program, the DOD Inspector General shall report to Congress on program funds deposited and expended. Prohibits the Secretary from expending more than \$5 million to carry out the program.

(Sec. 579) Directs the Secretary concerned to issue a Combat Medevac Badge to each person who served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets other requirements as prescribed by that Secretary.

(Sec. 580) Authorizes the Secretary of the Army to award the Army Combat Action Badge to Army personnel who participated in engaged combat during the period beginning December 7, 1941, and ending on September 18, 2001, if such Secretary determines that the person has not been previously recognized for such service.

(Sec. 580A) Requires the Secretaries of the Army and Navy to review the service record of each Jewish American World **War** I veteran to determine whether such veteran should be posthumously awarded the Medal of Honor, and, if warranted, to recommend to the President that such Medal be so awarded. Waives time limitations with respect to the award of such Medal to such veterans.

**Subtitle I: Military Family Readiness Matters** - (Sec. 581) Requires inclusion of a spouse of a general or flag officer on the Department of Defense Military Family Readiness Council. Revises appointment options for enlisted members of the Council.

(Sec. 582) Revises qualification requirements for the Director of the Office of Community Support for Military Families With Special Needs.

(Sec. 583) Directs the Secretary to conduct a pilot program to provide personalized career development counseling to spouses of members serving on active duty. Requires the Secretary, under the program, to consider incentives for participants to fill critical civilian specialties needed in DOD. Requires at least 75 but no more than 150 program participants, in at least three separate geographic areas. Directs the Secretary to conduct an annual program evaluation, and to report evaluation results to the defense committees. Terminates the pilot program after three years. Requires the Secretary to submit a program implementation plan to such committees.

(Sec. 584) Amends the NDAA for Fiscal Year 2008 relating to the Yellow Ribbon Reintegration Program (providing National Guard members and their families with information and outreach throughout their deployment cycle) to: (1) authorize service and state-based programs to provide access to services for members and families from all components; (2) require a process for evaluating Program effectiveness; (3) require the Program to provide information on employment opportunities during the post-deployment reconstitution phase; and (4) add resiliency training programs to the services provided.

(Sec. 585) Expresses the sense of Congress that the Office of Community Support for Military Families With Special Needs is the best structure to determine the medical, educational, and other support services required by such families, as well as to ensure that such services are made available to such families. Directs the Secretary, for FY2012 and thereafter, to ensure that a separate line of funding is allocated to such Office.

(Sec. 586) Requires a report from the CG to the defense and appropriations committees on progress made in implementing the above Office, as well as remaining gaps in support and services provided to military families with special needs.

(Sec. 587) Directs the CG to: (1) assess DOD's Exceptional Family Member Program and its operation in each of the armed forces; and (2) report assessment results to the defense and appropriations committees.

(Sec. 588) Requires the CG to review all DOD spouse employment programs, and submit review results to the defense and appropriations committees.

(Sec. 589) Directs the Secretary to review all DOD education programs designed to support spouses of members, and submit review results to the defense and appropriations committees.

(Sec. 590) Entitles an employed family member of a member of the Armed Forces who receives notification of a call or order to active duty in support of a contingency operation, or who is deployed in connection with a contingency operation, to two workweeks of leave per year for each family member who is so called or deployed. Allows such leave to: (1) be taken intermittently or on a reduced leave schedule; and (2) consist of paid or unpaid leave, as the employer considers appropriate.

Allows an employer to require certification of entitlement to such leave.

Provides employment and benefits protection for employees upon their return from such leave. Prohibits an employer from interfering with or otherwise denying the exercise of such leave rights.

(Sec. 590A) Codifies, and makes permanent, under federal law DOD's joint family support assistance program (providing to families of military personnel financial and material assistance, mobile support services, volunteer and family support services, and related family assistance). Repeals similar provisions that were contained in the John Warner National Defense Authorization Act for Fiscal Year 2007 and that limited the program to a three year period.

**Subtitle J: Other Matters** - (Sec. 591) Authorizes the Secretary of each military department to carry out a pilot program to establish and support units of the Junior Reserve Officers' Training Corps (JROTC) that permit enrollment of students in grades above the sixth grade. Requires each Secretary to conduct a review of their pilot program.

(Sec. 592) Increases from 20 to 35 the number of private-sector civilians authorized for admission to the National Defense University.

(Sec. 593) Authorizes the Secretary of the Air Force to permit defense industry employees who are engaged in providing significant defense-related systems, products, or services to DOD to receive instruction at the United States Air Force Institute of Technology. Limits the enrollment of such employees to 125 at any one time. Requires a determination by such Secretary that each enrollment will: (1) further the military mission of the

Institute; and (2) be done on a space-available basis without a required increase in faculty, course offerings, or facilities. Requires enrolled employees to: (1) pay tuition for such instruction; and (2) adhere to the same standards of conduct as federal civilian employees receiving instruction there.

(Sec. 594) Revises the annual due date for the DOD STARBASE program report from the Secretary to Congress.

(Sec. 595) Amends the Hunter Act to extend for an additional six months the deadline for submission of the final report of the Military Leadership Diversity Commission.

(Sec. 596) Directs the Secretary (and the Secretary of Homeland Security [DHS] with respect to the Coast Guard) to issue regulations authorizing the acceptance of gifts by certain military personnel and DOD and Coast Guard employees who incur or incurred a combat-related injury or illness on or after September 11, 2001. Authorizes family members of such personnel or employees to accept such gifts in case of an individual who is killed. Prohibits the acceptance of gifts from a foreign government or international organization or their agents. Applies such authority retroactively from September 11, 2001.

(Sec. 597) Requires the Secretary to report to the defense committees on DOD's Transition Assistance Program (post-separation employment assistance).

(Sec. 598) Expresses the sense of Congress that commanders of units of the Armed Forces should make every effort to permit members who are assigned to the unit, but are in the process of being separated or released from active duty, to participate in an apprenticeship program registered under the National Apprenticeship Act.

(Sec. 599) Directs the Secretary of the Army to report to the defense and appropriations committees on the Army's heirloom chest policy (providing survivors with the personal effects of soldiers who die while in an active duty status).

(Sec. 600) Increases from 23 to 26 the maximum age of eligibility for children under the VA's Civilian Health and Medical Program.

(Sec. 600A) Transfers responsibility for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense. Codifies such Program under federal armed forces provisions. Terminates the original Program as provided under the Elementary and Secondary Education Act of 1965.

(Sec. 600B) Revises DOD provisions concerning the above Program to: (1) include as an eligible participant any member who, as of September 11, 2001, serves at least four years on active duty and is discharged or released under honorable conditions; and (2) direct the Secretaries of Education and Defense to establish a troops-to-teachers advisory board, which shall report annually to specified congressional committees on its activities.

(Sec. 600C) Authorizes the Secretary of Education to provide assistance to cover costs of new state programs under the National Guard Youth Challenge Program (a civilian youth opportunities program).

(Sec. 600D) Requires the DOD Inspector General to: (1) conduct a study of the treatment of members of the reserve components; and (2) report study results to the defense and appropriations committees.

**Title VI: Compensation and Other Personnel Benefits - Subtitle A: Pay and Allowances** (Sec. 601) Waives any FY2011 pay increases tied to increases in the General Schedule of Compensation for government employees. Increases by 1.9%, effective January 1, 2011, the rates of basic pay for military personnel.

(Sec. 602) Entitles to a basic allowance for housing a member in a pay grade below E-6 who is assigned to sea duty and married to another member.

(Sec. 603) Increases from \$400 to \$500 the initial uniform allowance for officers. Authorizes the Secretary of a military department, with the approval of the Secretary, to increase such allowance. Increases from: (1) \$250 to \$300 the uniform and equipment allowance for commissioned officers of the Public Health Service; and (2) \$200 to \$250 the additional allowance that may be paid to an officer upon subsequent entries on active duty of 90 days or longer.

(Sec. 604) Increases from \$250 to \$285 the monthly family separation allowance.

(Sec. 605) Authorizes the Secretary concerned to pay a one-time special compensation of up to \$3,500 for the transition of assistants providing aid and attendance care to members with duty-related catastrophic injuries or illnesses.

(Sec. 606) Includes a senior enlisted member serving within a combatant command as a senior enlisted member of an armed force, for purposes of the rate of basic pay for such members.

(Sec. 607) Prohibits federal employees from receiving reserve duty income if such employees are already entitled to a federal differential payment or other comparable benefit for civilian employees absent from federal service in order to perform active duty.

**Subtitle B: Bonuses and Special and Incentive Pays** - (Sec. 611) Extends through 2011 specified authorities currently scheduled to expire at the end of 2010 with respect to certain special pay and bonus programs within the regular and reserve Armed Forces.

(Sec. 617) Requires officers who transfer from one armed force to another to receive the same aviation career special pay as other officers in the transferred-to armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system, notwithstanding any additional active duty service obligation incurred as a result of the transfer. Requires, until December 31, 2015, the Secretary concerned to pay aviation career special pay to an officer who transfers from one armed force to the armed force under the jurisdiction of the Secretary until the officer has received a level of benefits comparable to similarly situated officers.

(Sec. 618) Increases from: (1) \$225 to \$260 the monthly special pay for duty subject to hostile fire or imminent danger; and (2) \$250 to \$260 the monthly special hazardous duty pay.

(Sec. 619) Treats members or civilians killed or wounded in the attacks at Fort Hood, Texas, in November of 2009 and at Little Rock, Arkansas, in June of 2009 as members or civilians killed or wounded in a combat zone or while serving with the Armed Forces in a contingency operation, for purposes of eligibility for special payments due to such incidents. Provides an exception for a person whose death or wounding is the result of misconduct of the member or employee. Directs the Secretary to make a special payment to a member or civilian DOD employee who is killed or wounded as the result of an attack on: (1) a member on account of the member's military service or status; or (2) a civilian DOD employee on account of his or her employment or affiliation with DOD. Provides for the calculation of special payment amounts. Excludes from such payments members or DOD employees whose death or wounding is the result of misconduct.

**Subtitle C: Travel and Transportation Allowances** - (Sec. 631) Extends through 2011 DOD authority to provide travel and transportation allowances for inactive duty training outside of normal commuting distances.



(Sec. 632) Authorizes the payment of a travel and transportation allowance to a person designated to attend an event conducted under the Yellow Ribbon Reintegration Program, if the Secretary concerned determines that the presence of that person may contribute to the purposes of the event.

(Sec. 633) Directs the Administrator of General Services (GSA) to conduct periodic investigations of the cost of travel and the operation of private airplanes and motorcycles by employees while engaged on official business, and to report investigation results to Congress at least once a year.

**Subtitle D: Retired Pay and Survivor Benefits** - (Sec. 641) Allows members who serve on active duty for more than 30 years and are retired for a disability to retain their eligibility to receive a retired pay multiplier based on years of service resulting in a benefit greater than the 75% cap imposed on disability retirement.

(Sec. 642) Requires the retired pay calculation for reserve members retired or placed on the temporary disability retired list to be based on the member's total years of service, in lieu of active-duty years of service, when the retirement is based on a disability incurred under circumstances for which the member was awarded the Purple Heart.

(Sec. 643) Eliminates the 60-or-over age requirement for health care benefits for non-regular service retirees.

(Sec. 644) Allows reserve members performing active duty and then continuing on active duty to receive medical care for wounds, injuries, or illnesses incurred while performing such active duty to include the period of such medical care for purposes of reducing the eligibility age for entitlement to non-regular retirement.

(Sec. 645) Amends the NDAA for Fiscal Year 1998 to direct the Secretary concerned to pay a monthly special survivor indemnity allowance to surviving spouses of retirees who died before implementation of the Survivor Benefit Plan (SBP) at the same level as that paid to surviving spouses of retirees that participated in the SBP. Requires such spouses to be eligible to receive payments under the VA dependency and indemnity compensation program. Makes such payments retroactive beginning on October 1, 2008. Terminates payment eligibility at the end of FY2017.

(Sec. 646) Requires military retired and retainer pay to be paid on the first day of each month after the month on which the pay accrues.

(Sec. 647) Expresses the sense of Congress that: (1) certain amendments made under the NDAA for Fiscal Year 2008 were intended to reduce the minimum age at which reserve members would begin receiving retired pay according to time spent deployed, by 3 months for every 90-day period spent on active duty over the course of a career, rather than limiting qualifying time to such periods wholly served within the same fiscal year, as interpreted by DOD; and (2) steps should be taken to correct the erroneous DOD interpretation in order to ensure that such members receive the full retirement benefits intended.

**Subtitle E: Commissary and Nonappropriated Fund Instrumentality Benefits and Operations** - (Sec. 651) Allows the Secretary to designate the Defense Commissary Agency to accept reimbursement from a nonappropriated fund instrumentality (NFI) for contract costs attributable to construction for NFI activities.

(Sec. 652) Amends the NDAA for Fiscal Year 2008 to define "morale, welfare, and recreation telephone services" for use in DOD contracts to provide such services for military personnel serving in combat zones.

(Sec. 653) Directs the Secretary to: (1) study the feasibility of replacing the "Shopette" of the Army and Air Force Exchange Service in the Northern Mariana Islands with a full-service exchange store; and (2) report study results to Congress.

(Sec. 654) Directs the Secretary to provide for the continued operation of each commissary or exchange store serving Brunswick Naval Air Station, Maine, through the end of FY2011, and prohibits any action to reduce or terminate the sale of goods at such stores during FY2011.

**Subtitle F: Alternative Career Track Pilot Program** - (Sec. 661) Authorizes the Secretary concerned to establish a pilot program under which a commissioned officer with between 13 and 18 years of service, while on active duty: (1) participates in a separate career track characterized by expanded career opportunities extending over a longer career; (2) agrees to an additional active-duty service obligation of at least five years; and (3) would be required to accept further active-duty service obligations in connection with the officer's entry into education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion. Designates the program as the Alternative Career Track Pilot Program, and limits participants to no more than 50 of each armed force. Authorizes each Secretary to return a participant from the pilot program to a standard career path. Requires an annual report from the Secretaries to the defense committees on the progress of each pilot program. Requires each pilot program to commence before December 31, 2015, and prohibits an officer from participating after December 31, 2026. Authorizes each Secretary to terminate their pilot program, requiring a report to the defense committees on the reasons therefor.

**Subtitle G: Other Matters** - (Sec. 671) Includes within the Active Duty Health Professions Loan Repayment Program members participating in the Health Professions Scholarship Program when the duration of the latter program is insufficient to complete the length of study required for that specific health profession.

(Sec. 672) Provides that if an individual is first employed as a military technician (dual status) while the individual is already a member of a reserve component, the Secretary concerned may not: (1) require the individual to repay any enlistment, reenlistment, or affiliation bonus paid in connection with the individual's enlistment or reenlistment before such employment; or (2) terminate the individual's participation in an educational loan repayment program if the individual began participation before such employment.

(Sec. 673) Amends the Higher Education Act of 1965 to define a "year of service," for purposes of eligibility for student loan cancellation for public service, as a deployment of: (1) six months or longer in a hostile fire or imminent danger zone; or (2) less than six months if the member was discharged or released due to an injury or disability incurred or aggravated by military service.

(Sec. 674) Requires the Surgeons General of the Army, Navy, and Air Force to report to Congress on their staffing needs for health care professionals in their active and reserve components. Requires such reports to include additional incentives for the recruitment and retention of such professionals with more than 20 years of clinical experience.

(Sec. 675) Amends the Demonstration Cities and Metropolitan Development Act of 1966 to expand access to DOD homeowners assistance for qualified members of the Armed Forces permanently reassigned during a designated mortgage crisis to allow the Secretary greater flexibility regarding the dates of the availability of such assistance. Directs the Secretary, in exercising such authority, to consult with the Secretaries of Housing and Urban Development (HUD) and the Treasury regarding the condition of housing markets in the area of a base or installation.

(Sec. 676) Excludes a person classified as a tier III sex offender under the Sex Offender Registration and Notification Act from: (1) interment or memorialization in a national cemetery or state veterans' cemetery; or (2) provision of the Presidential Memorial Certificate, memorial flag, or grave headstone or marker.

(Sec. 677) Directs the VA Secretary to carry out a program to provide scholarships for the pursuit of a graduate or postgraduate degree in behavioral health sciences to veterans who performed active-duty service in a theater of combat or during a contingency operation overseas. Requires the veteran,

following completion of the degree requirements, to serve for an agreed-upon period with either VA or DOD furnishing mental health services to veterans or members of the Armed Forces.

**Title VII: Health Care Provisions - Subtitle A: Improvements to Health Benefits** - (Sec. 701) Prohibits DOD, through FY2011, from increasing the premium and copayment for TRICARE Prime, the charge for inpatient care under TRICARE Standard, and the premium for TRICARE Standard for members of the Selected Reserve.

(Sec. 702) Allows TRICARE beneficiaries to extend their health care coverage to dependent children up to age 26 in the same manner as civilian health care beneficiaries may extend such coverage under provisions of the Patient Protection and Affordable Care Act (PPACA). Prescribes a premium for such coverage.

(Sec. 703) Authorizes DOD dental benefits to the dependent of a member who dies: (1) while on active duty of 30 or more days; or (2) while a member of the Ready Reserve.

(Sec. 704) Requires military personnel to receive pre- and post-deployment aural screenings, including an assessment of tinnitus.

(Sec. 705) Prohibits, during FY2011, the cost-sharing requirements under the DOD retail pharmacy system from exceeding \$3 for generic agents, \$9 for formulary agents, and \$22 for nonformulary agents.

(Sec. 706) Directs the Secretary to ensure that each of the following individuals receive, at least once every 90 days, a telephone call from properly-trained DOD personnel to determine their emotional, psychological, medical, and career needs and concerns: (1) members of the Individual Ready Reserve who deployed to Afghanistan or Iraq in support of a contingency operation; or (2) a member of a reserve component whom the Secretary determines is an individual mobilization augmentee who has so deployed. Requires the person making the call to refer a member identified as being at-risk of self-caused harm to the nearest emergency room for immediate evaluation and treatment by a qualified mental health care provider. Requires annual reports from the Secretary to Congress on the number of members so referred, as well as their health and career status.

(Sec. 707) Directs the Secretary to ensure that each member of a reserve component who is mobilized or demobilized is provided a clear and comprehensive statement of the medical care and treatment to which the member is entitled under federal law by reason of such mobilization or demobilization. Requires such statement to be provided each time the member is mobilized or demobilized.

**Subtitle B: Health Care Administration** - (Sec. 711) Makes the Secretary solely responsible for administering and making any decision affecting TRICARE.

(Sec. 712) Makes terminology changes to reflect the current structure and organization of the Army Medical Service Corps.

(Sec. 713) Allows National Guard medical personnel performing under a federal status while responding to an actual or potential disaster to practice in any location authorized by the Secretary, without regard to local licensing requirements.

(Sec. 714) Directs the Secretary and the VA Secretary to report annually to the defense and veterans committees on joint DOD-VA health care facilities. Prohibits funds for FY2012 and thereafter for DOD medical treatment facilities from being obligated or expended to establish a joint facility unless both the DOD and VA facility were included in the prior-year report. Provides a limited exception. Provides an identical limitation with respect to funding for VA medical facilities, with the same exception.

(Sec. 715) Requires the Secretary to: (1) review training programs for medical officers to ensure that their academic and military performance has been completely documented in military personnel records; and (2) report review results to the defense and appropriations committees.

(Sec. 716) Directs the Secretary to: (1) study costs incurred by the United States on behalf of individuals who are not covered DOD beneficiaries but still receive health care services under TRICARE; and (2) report study results to the defense and appropriations committees.

(Sec. 717) Prohibits the Secretary from transferring FY2011 funds to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund unless, before such transfer: (1) the Secretary notifies the defense, veterans, and appropriations committees of the transfer, its amount, and the funding source; and (2) 30 days have elapsed since such report.

(Sec. 718) Requires the Secretary to: (1) conduct an enterprise risk assessment methodology study of all DOD health information technology programs; and (2) report study results to the defense and appropriations committees.

**Subtitle C: Other Matters** - (Sec. 721) Directs the Secretary to: (1) examine methods to improve aural protection for members in combat; and (2) report examination results to Congress.

(Sec. 722) Requires the Secretary to: (1) develop and implement a policy on pre- and post-deployment neurocognitive assessment; (2) update the policy on a periodic basis; and (3) report annually on the policy to the defense and appropriations committees. Directs the Secretary to complete, by the end of FY2011, any outstanding comparative studies on the effectiveness of various cognitive screening tools, for purposes of implementing such policy.

(Sec. 723) Authorizes the Secretary to designate a National Casualty Care Research Center, with a Center director, to undertake clinical and experimental research in combat injury and related activities.

(Sec. 724) Requires a report from the Secretary to the defense and appropriations committees on the feasibility of conducting a case-control study on the incidence of breast cancer among female members who served in Operations Iraqi Freedom or Enduring Freedom in order to determine whether such members were at an elevated risk of such cancer.

(Sec. 725) Directs the Secretary to: (1) assess post-traumatic stress disorder (PTSD) incidence by military occupation, including identifying military occupations with a high incidence of such disorder; and (2) report assessment results to the defense and appropriations committees.

(Sec. 726) Authorizes the Secretary to establish the Visiting NIH Senior Neuroscience Fellowship Program at the Defense Advanced Research Projects Agency and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury. Outlines authorized Program activities. Limits any period of fellowship under the Program to two years, unless otherwise agreed upon by the parties concerned.

(Sec. 727) Directs the DOD and VA Secretaries to carry out a five-year pilot program under which each Secretary establishes a process for providing payments to facilities for treatments of traumatic brain injury (TBI) or post-traumatic stress disorder (PTSD) received by members of the Armed Forces and veterans in facilities other than military treatment facilities or VA medical facilities. Subjects such payments to specified conditions, including approved treatment or study protocols. Requires the respective Secretary to notify each member or veteran with a service-connected injury or disability of the opportunity to receive such treatment or study protocol.

Requires the Secretaries to jointly: (1) develop and maintain a database containing data from each patient case involving the use of such treatments; and (2) report annually to Congress on the implementation of this section.

Authorizes appropriations.

(Sec. 728) Directs the Secretary to make available to each civilian victim of a shooting on a military installation in the United States, including the shooting at Fort Hood on November 5, 2009, extensive counseling for PTSD.

(Sec. 729) Expresses the sense of Congress that the Secretary should implement, by no later than December 31, 2010, the recommendations of the study by the Institute of Medicine of the National Academy of Sciences regarding the credentials, preparation, and training of licensed mental health counselors, because such implementation will increase the urgently needed mental health staff of DOD and ensure that members will receive timely and confidential post-deployment screenings with a mental health professional.

**Title VIII: Acquisition Policy, Acquisition Management, and Related Matters - Subtitle A: Acquisition Policy and Management** - (Sec. 801) Authorizes the Secretary to disclose technical data to a litigation support contractor for the purpose of assisting DOD in preparing for litigation. Requires such a contractor to use the data only for fulfilling its support contract, to take all reasonable steps to protect the data from further disclosure, and not use the data to compete with the data owner on any government or non-government contract.

(Sec. 802) Directs the Secretary to designate the F135 and F136 engine development and procurement programs as major subprograms of the F-35 Lightning II aircraft major defense acquisition program (MDAP) (and therefore subject to certain acquisition reporting requirements). Requires the Secretary to: (1) use the Milestone B decision for each subprogram as its original baseline; and (2) take the same reassessment and actions to such subprograms as are taken to restructure the Lightning II MDAP in the event of critical cost growth.

(Sec. 803) Conforms the application of various acquisition-related requirements to major subprograms of MDAPs, including major subprograms under DOD operational test and evaluation requirements and independent life-cycle cost estimate and manpower estimate requirements.

(Sec. 804) Amends the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Stump Act) to extend DOD authority to use the rapid acquisition authority to respond to combat and safety emergencies through: (1) the acquisition of supplies in addition to equipment; (2) the prevention of casualties in addition to addressing causes of fatalities; and (3) the authorization of additional amounts for the purchase of such supplies.

(Sec. 805) Prohibits the Secretary from entering into any contract with an entity that engages in commercial activity in the energy sector of Iran. Authorizes the Secretary to waive the prohibition for national security purposes, requiring notification thereof to the defense and foreign relations committees.

**Subtitle B: Amendments to General Contracting Authorities, Procedures, and Limitations** - (Sec. 811) Amends the NDAA for Fiscal Year 2008 to extend until January 1, 2021, DOD authority to procure fire-resistant rayon fiber for uniforms. Prohibits the issuance of any contract solicitation before such date which requires the use of such rayon.

(Sec. 812) Removes the current definition of "small arms production industrial base" (thereby eliminating its current applicability to only three manufacturers). Provides that if the Secretary determines that the requirement to procure small arms-related property or services for DOD from a firm in such base is not necessary to preserve such base, then any such procurement shall be awarded through the use of full and open competitive procedures.

(Sec. 813) Defines the term "produced" as it relates to the requirement to buy from U.S. sources strategic materials critical to national security (Buy American requirement).

**Subtitle C: Studies and Reports** - (Sec. 821) Directs: (1) the Secretary to contract with an FFRDC to carry out a study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations; and (2) the Chairman of the Joint Chiefs of Staff (JCS) to carry out the same study in conjunction with the military departments. Requires the Secretary to report both studies' results to the defense and appropriations committees.

(Sec. 822) Amends the NDAA for Fiscal Year 2008 to require the Secretary, the Secretary of State, and the Administrator of the United States Agency for International Development (USAID) to jointly report annually to the relevant congressional committees on contracts in Iraq or Afghanistan, including interagency coordination of such contracts. Requires the CG to submit to such committees a review of each report.

(Sec. 823) Amends the above Act to extend through FY2011 a required report from the CG on contracting in Iraq and Afghanistan.

(Sec. 824) Directs the Secretary to report to the defense and appropriations committees any review of covered subsidies initiated in connection with the acquisition of KC-45 aircraft. Requires such report within 60 days after initiation of the review.

(Sec. 825) Requires: (1) the Secretary and an FFRDC selected by the Secretary to each perform a comprehensive analysis of the Joint Capabilities Integration and Development System; and (2) the Secretary to submit each analysis report to the defense committees. Directs the Secretary to develop and begin implementing a plan to address problems associated with such System, and to report such plan to such committees.

**Subtitle D: Other Matters** - (Sec. 831) Extends through FY2017 the authority for the Defense Acquisition Challenge Program (providing opportunities for innovative and cost-saving technology in DOD acquisition programs).

(Sec. 832) Amends the National Energy Conservation Policy Act to outline the competitive procedures to be used by the head of a federal agency in issuing a task or delivery order under an energy savings performance contract, including: (1) selecting two or more contractors to conduct discussions concerning the contractors' qualifications to implement potential energy conservation measures; and (2) negotiating an order based on the energy conservation measures identified.

(Sec. 833) Directs the Secretary to develop and issue guidance directing the Secretary of each military department and the head of each defense agency to consider sustainable practices in the procurement of products and services. Provides an exception with respect to the acquisition of weapon systems or components of such systems.

(Sec. 834) Provides a definition of "materials critical to national security" and "military equipment" for purposes of activities of the Strategic Materials Protection Board.

(Sec. 835) Directs the Secretary to assess the supply chain for rare earth materials and determine which, if any, of such materials are strategic materials and which are materials critical to national security. Requires the Secretary, in the event of either determination, to develop a plan to ensure the long-term availability of such material, with a goal of establishing domestic sources of such material by the end of 2015. Directs the Secretary to report to the defense, appropriations, and finance committees on such assessment and plan.

(Sec. 836) Requires the Secretary to: (1) review DOD implementation of the national security exception to the full and open competition generally required in DOD acquisition contracts; (2) report review results to the defense committees; and (3) submit to the defense and governmental affairs committees draft regulations on the implementation of such exception.

(Sec. 837) Amends the Hunter Act to include information concerning violations of bribery laws of a country signatory of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in the disclosure requirements of the federal awardee performance and integrity information system.

(Sec. 838) Directs the Secretary to require the directors of a covered entity to establish a government security committee that shall ensure that the entity employs and maintains policies and procedures that meet requirements under the national industrial security program. Includes as a covered entity an entity: (1) to which DOD has granted a facility clearance; (2) that is not subject to foreign ownership control or influence mitigation measures; and (3) that is a corporation. Allows the Secretary to make such requirement applicable to entities that meet criteria (1) and (2), but are an entity other than a corporation.

(Sec. 839) Directs the Secretary to provide the Congressional Black Caucus a report that includes a list of minority-owned, women-owned, and disadvantaged-owned small businesses that receive contracts resulting from authorized funding to DOD, requiring such list to cover the ten-year period preceding the date of enactment of this Act.

(Sec. 840) Requires the Secretary to submit to the defense committees a plan to establish a domestic source of sintered neodymium iron boron magnets for use in the defense supply chain.

(Sec. 841) Expresses the sense of Congress that: (1) there is potential for additional and significant cost savings through further reductions by DOD in waste, fraud, and abuse, particularly with regard to contracting processes; and (2) the Secretary should make implementation of the remaining GAO recommendations concerning such waste, fraud, and abuse an utmost priority of DOD.

(Sec. 842) Requires DOD, in procuring articles, materials, or supplies for use outside the United States (including for military construction projects), to solicit bids from U.S. sources. Provides exceptions.

(Sec. 843) Amends the NDAA for Fiscal Year 2004 to require information on granted waivers under the Buy American Act to be included in an annual report concerning U.S. defense industrial base capabilities.

(Sec. 844) Requires information on the effects on domestic jobs to be included in periodic defense capability assessments.

(Sec. 845) Directs the Secretary to issue regulations to extend and apply requirements under the NDAA for Fiscal Year 2008 regulating DOD contractors performing private security functions in areas of combat operations to the following additional areas: (1) areas in which significant military operations are being carried out by U.S. Armed Forces; (2) the Horn of Africa region; (3) Yemen; (4) the Philippines; and (5) Haiti. Provides regulation timelines. Requires a report from the Secretary to Congress on implementation of the regulations.

(Sec. 846) Directs the Secretary to ensure that each DOD contract that includes the procurement of photovoltaic devices (which convert light directly into electricity) includes a provision requiring the devices to comply with Buy American requirements.

(Sec. 847) Requires any contract in Iraq or Afghanistan for the procurement of private security services to contain a requirement that, in the case of a contractor using individuals who are U.S. citizens and required to have a U.S. security clearance to perform such services, the contractor shall use employees and not independent contractors for the provision of such services. Authorizes the Secretary, the Secretary of State, or the USAID Administrator to waive such requirement upon: (1) determining that the waiver is necessary in the interests of national security; and (2) notifying Congress of the waiver.

(Sec. 848) Directs the Secretary, in awarding a contract for the KC-X aerial refueling aircraft program and in evaluating offers therefor, to consider any unfair competitive advantage that an offeror may possess. Requires the Secretary to report to the defense and appropriations committees on any unfair advantage found.

(Sec. 849) Provides that if the Secretary determines that BP or any of its subsidiaries performing any contract with DOD is no longer a responsible source, the Secretary shall determine, within 90 days after the original determination, whether BP or its subsidiaries should be debarred from contracting with DOD.

(Sec. 850) Amends the Office of Federal Procurement Policy Act to require the Director of the Office of Management and Budget (OMB) to: (1) develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet specified service contract inventory requirements and to ensure consistency of inventories across such agencies; and (2) report to Congress on the status of efforts to enable such agencies to prepare such inventories.

Requires the head of each executive agency, other than DOD, to submit annually to OMB an inventory of specified service contracts awarded or extended through the exercise of an option or task order for or on behalf of such entity.

Directs: (1) the head of each executive agency to make the inventory available to the public; (2) the OMB Director to submit to Congress and make publicly available on the OMB website a report on the inventories submitted; and (3) executive agency heads to undertake specified review and planning with respect to such contracts and related information in their inventory, and to report to the OMB Director on review and planning actions taken in response to their annual inventory.

Prohibits an executive agency, beginning in FY2011, from entering into a study or public-private competition regarding the conversion to contractor performance of any function currently performed by federal employees if such agency has not submitted its annual service contract inventory.

Requires specified reports from the CG to specified congressional committees on such inventories and the implementation of agency plans with respect to such inventories.

Prohibits a function performed by one or more (under current law, 10 or more) agency civilian employees from being converted to performance by contractor without compliance with specified public-private competition requirements of the Office of Federal Procurement Policy Act.

Requires agency heads subject to the Federal Activities Inventory Reform Act of 1998 to devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, federal employees to perform new functions, as well as functions performed by contractors that could be performed by federal employees. Requires special consideration with respect to certain functions, such as those recently performed by federal employees or those closely associated with the performance of an inherently governmental function. Excludes certain functions from public-private competitions under OMB Circular A-76 or any law or regulation. Requires the guidelines and procedures to be implemented within 120 days after the enactment of this Act, and requires a report from the GAO to specified congressional committees on the implementation of this subsection.

Prohibits OMB from establishing any numerical goal, target, or quota for the conversion to performance by federal employees of functions previously performed by contractors unless such target, goal, or quota is based on considered research and analysis. Requires a report from: (1) OMB to Congress on the results of efforts by each federal agency with respect to such conversions during FY2010; and (2) the CG to specified congressional committees assessing the OMB report. Makes this subsection inapplicable to DOD.

(Sec. 851) Requires the head of an agency, in evaluating proposals for defense procurement contracts, to justify using factors other than cost or price as the predominant factors in such evaluation.

(Sec. 852) Amends the NDAA for Fiscal Year 2008 to require defense contracts in Iraq or Afghanistan entered into or modified after September 1, 2011, to include a clause requiring the imposition of a penalty on any contractor that does not provide information for databases established concerning DOD contracts and contractor personnel in Iraq or Afghanistan.

**Title IX: Department of Defense Organization and Management - Subtitle A: Department of Defense Management - (Sec. 901)**

Redesignates: (1) the Department of the Navy as the Department of the Navy and Marine Corps; and (2) the Secretary of the Navy as the Secretary of the Navy and Marine Corps. Makes conforming changes to other Navy offices and positions.

(Sec. 902) Redesignates certain positions within the Office of the Secretary of Defense in order to carry out a reduction in the number of deputy under secretaries of defense required under the NDAA for Fiscal Year 2010. Establishes the position of Deputy Chief Management Officer of the Department of Defense. Requires the Secretary to designate appropriate DOD officials to be in charge of developmental test and evaluation and systems engineering. Repeals specified statutory requirements made inconsistent by such redesignations.

(Sec. 903) Establishes the position of Assistant Secretary of Defense for Health Affairs to supervise all DOD health affairs and medical activities. Authorizes the President to establish a unified command for medical operations, headed by a commander, to provide medical services to members of the Armed Forces and other health care beneficiaries of DOD. Provides subordinate commands to the unified medical command, including a Defense Health Agency, with related duties. Requires the Secretary to develop and submit to the defense and appropriations committees a plan to establish the unified medical command, and to report to such committees on the establishment of the unified medical command and the Defense Health Agency.

**Subtitle B: Space Activities - (Sec. 911)** Requires the Secretary and the Director of National Intelligence (DNI) to jointly establish the capability to conduct integrated national security space architecture planning, development, coordination, and analysis.

**Subtitle C: Intelligence-Related Matters - (Sec. 921)** Extends through 2015 the Secretary's authority to engage in commercial activities as security for intelligence collection activities.

(Sec. 922) Requires the Director of the Defense Intelligence Agency (DIA) to: (1) designate a lead integrator for foreign space and counterspace defense intelligence analysis; and (2) designate an initial lead integrator within 30 days after the enactment of this Act. Requires the Director to notify the defense, appropriations, and intelligence committees within 30 days after designating, or removing the designation of, a lead integrator.

(Sec. 923) Amends the National Security Act of 1947 to require the Director of National Intelligence (DNI) to ensure that appropriate GAO personnel are provided access to all necessary information to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees. Allows the DNI to redact portions already subject to presidential approval and reporting of covert actions, or those involving intelligence sources or methods, and to notify the intelligence committees of such redactions. Requires the CG to notify the intelligence committees of any such analysis, evaluation, or investigation, as well as the procedures to be used therein, and to discuss such procedures with the DNI. Directs the CG to maintain confidentiality with respect to records and other information made available in the course of an analysis, evaluation, or investigation.

**Subtitle D: Other Matters - (Sec. 931)** Adds four individuals, as appointed by the chairmen and ranking members of the defense committees, to the Board of Regents for the Uniformed Services University of the Health Sciences.

(Sec. 932) Allows the JCS Chairman to use funds from the Combatant Commander Initiative Fund to fund RDT&E activities.

(Sec. 933) Amends the Hunter Act to extend through FY2012 the temporary authority to waive the reimbursement of costs for personnel of nongovernmental and international organizations to participate in activities of DOD regional centers for security studies. Extends a related report requirement.

(Sec. 934) Requires the Secretary to consider information operations, strategic communications, and detention and interrogation activities as part of the 2011 Quadrennial Roles and Missions Review.

(Sec. 935) Directs the Secretary to notify Congress at least 30 days before the permanent relocation of a military unit stationed outside the United States. Outlines notification elements. Provides exceptions with respect to: (1) the relocation of a unit deployed to a combat zone; or (2) relocation as the result of closure of an overseas installation at the request of that country's government.

**Title X: General Provisions - Subtitle A: Financial Matters - (Sec. 1001)** Authorizes the Secretary, in the national interest, to transfer up to \$3.5 billion of the amounts made available to DOD in this Act between any such authorizations for that fiscal year, with limitations. Requires congressional notification of each transfer.

(Sec. 1002) Increases amounts authorized to be appropriated for overseas contingency operations under the NDAA for Fiscal Year 2010 for DOD operations in Afghanistan, Iraq, and Haiti, with specified amounts for: (1) procurement; (2) the Joint Improvised Explosive Device Defeat Fund; (3) the Mine Resistant Ambush Protected Vehicle Fund; (4) RDT&E; (5) O&M; (6) the Defense Health Program; (7) drug interdiction and counterdrug activities; (8) the Afghanistan Security Forces Fund; (9) the Iraq Security Forces Fund; (10) overseas humanitarian, disaster, and civic aid; (11) the Overseas Contingency Operations Transfer Fund; (12) Working Capital Funds; and (13) military personnel.

(Sec. 1003) Requires the budgetary effects of this Act to be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, as long as such statement has been submitted prior to the vote on passage of this Act.

**Subtitle B: Counter-Drug Activities - (Sec. 1011)** Amends the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Reagan Act) to extend through FY2011 DOD authority to support a unified counter-drug and counterterrorism campaign in Colombia.

(Sec. 1012) Amends the NDAA for Fiscal Year 2004 to extend through FY2011 the authority of a DOD joint task force to provide support to law enforcement agencies conducting counterterrorism activities.

(Sec. 1013) Amends the Spence Act to extend through 2011 a report on expenditures to support foreign counterdrug activities.

(Sec. 1014) Amends the NDAA for Fiscal Year 1998 to extend through FY2011 authorized DOD support for counterdrug activities of certain foreign governments.

**Subtitle C: Naval Vessels and Shipyards** - (Sec. 1021) Requires the Secretary of the Navy, during each year in which the Secretary of Defense submits a quadrennial defense review, to submit to the defense and appropriations committees a long-range plan for the construction of Navy combatant and support vessels that supports the force structure recommendations of the quadrennial defense review. Outlines matters to be included in the long-range plan. Requires the Secretary of the Navy to include a risk assessment if the defense budget for a fiscal year provides funding for naval vessel construction at a level less than that determined necessary by the Director of Cost Assessment and Program Evaluation. Directs the Congressional Budget Office (CBO) to report to such committees assessing the sufficiency of the construction schedules and estimated levels of annual funding included in the Secretary of the Navy's plan. Limits the Secretary of the Navy's authority to modify the construction schedules submitted in the plan, and requires congressional notification and justification of any such changes.

(Sec. 1022) Prohibits the Secretary of the Navy from decommissioning any battle force vessel of the active Navy fleet unless such Secretary provides written notification thereof to the defense and appropriations committees.

(Sec. 1023) Provides that, until the number of vessels in the Navy's battle force fleet reaches 313, the Secretary of the Navy shall not decommission, in FY2011 or thereafter, more than two-thirds of the number of vessels slated for commissioning into the battle force fleet for that fiscal year.

(Sec. 1024) Requires the Secretary of the Navy to retain the vessels U.S.S. Nassau and U.S.S. Peleliu, in a commissioned and operational status, until the delivery to the Navy of the U.S.S. America and the vessel designated LHA 7, respectively.

(Sec. 1025) Expresses the sense of Congress that the Secretary of the Navy should name a Navy combat vessel the U.S.S. Father Vincent Capodanno in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

**Subtitle D: Counterterrorism** - (Sec. 1031) Extends through FY2011 DOD authority to provide rewards to certain government personnel for assistance in combating terrorism.

(Sec. 1032) Prohibits funds from this Act from being used to transfer, release, or assist in the transfer or release to or within the United States or its territories or possessions Khalid Sheikh Mohammed or any other detainee who: (1) is not a U.S. citizen or member of the U.S. Armed Forces; and (2) is or was held on or after January 20, 2009, at U.S. Naval Station Guantanamo Bay, Cuba (Guantanamo), by DOD.

(Sec. 1033) Prohibits the Secretary from using DOD funds to transfer any individual detained at Guantanamo to the custody or control of such individual's country of origin, or to any other foreign country or entity, unless the Secretary, at least 30 days beforehand, has made a certification to Congress relating to such transfer. Requires the certification to include, among other things, that the country to which the individual is about to be transferred: (1) is not a designated state sponsor of terrorism or foreign terrorist organization; and (2) has agreed to take steps to ensure that the individual cannot engage or re-engage in any terrorist activity. Prohibits any such transfer if there is a confirmed case that any individual previously detained at Guantanamo and then transferred to a foreign country or entity subsequently engaged in a terrorist activity, but authorizes the Secretary to waive such prohibition in the interests of national security.

(Sec. 1034) Prohibits the use of DOD funds to construct or modify any facility in the United States or its territories or possessions in order to house a non-U.S. citizen in DOD custody or control or previously detained at Guantanamo for the purpose of detention or imprisonment. Makes such prohibition inapplicable to facility modifications at Guantanamo. Directs the Secretary to report to the defense and appropriations committees on the merits, costs, and risks of using any facility in the United States for such purpose.

(Sec. 1035) Requires the Secretary to: (1) conduct a review of DOD policies, regulations, instructions, and directives pertaining to force protection within DOD; and (2) provide an interim and final report to the defense committees concerning such review.

(Sec. 1036) Earmarks specified DOD O&M funds for deposit into the Fort Hood Follow-on Review Implementation Fund, in order to address recommendations contained in such Review. Requires: (1) 30 days' advance notification to the defense and appropriations committees before amounts may be obligated from the Fund for such purposes; and (2) quarterly reports during FY2011 from the Secretary to such committees on Fund obligations and expenditures.

(Sec. 1037) Directs the DOD Inspector General to: (1) investigate the conduct and practices of lawyers representing individuals detained at Guantanamo; and (2) report investigation results to the defense committees.

(Sec. 1038) Prohibits DOD funds from being used in violation of provisions of the NDAA for Fiscal Year 2010 which prohibit the giving of Miranda warnings to suspected al Qaeda terrorists detained outside the United States.

**Subtitle E: Studies and Reports** - (Sec. 1041) Requires the Secretary concerned, within 30 days after a written request by the chairman and ranking member of any of the defense and appropriations committees, to provide that committee a briefing on the privileged findings, causal factors, and recommendations contained in a specific DOD aerospace-related mishap safety investigation report.

(Sec. 1042) Directs the Secretary to: (1) contract with an independent, nonprofit organization to conduct a study assessing the current state of interagency national security knowledge and skills in DOD civilian and military personnel; and (2) report study findings and recommendations to the defense and appropriations committees.

(Sec. 1043) Requires the Secretary to report to such committees on the need for the establishment of a Northeast Regional Joint Training Center.

(Sec. 1044) Directs the CG to report to the defense committees evaluating the sufficiency, adequacy, and conclusions of three previously-required reports concerning Air Force fighter force shortfalls, the procurement of 4.5 generation fighters, and combat air forces restructuring. Prohibits fighter aircraft from being retired from the Air Force or Air National Guard in FY2011 until 180 days after receipt of the CG's report.

(Sec. 1045) Requires a report from the Secretary to the defense and appropriations committees on the nuclear triad (ballistic missile submarines, land-based missiles, and strategic bombers).

(Sec. 1046) Expresses the sense of Congress that: (1) cybersecurity is one of the most serious national security challenges facing the United States; and (2) it is critical that DOD develop technological solutions that ensure DOD security and freedom of action while operating in the cyber domain. Directs the Secretary to study, and report to the defense committees on, tools to identify likely cybersecurity methodologies and vulnerabilities within DOD, as well as strategies and programs to deter hostile or malicious activity intended to compromise DOD information systems.

(Sec. 1047) Directs the President to: (1) commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of federal departments and agencies with international responsibilities; and (2) report study results to Congress.

(Sec. 1048) Requires: (1) the Secretary of the Air Force to report to the defense and appropriations committees, the CBO Director, and the CG with respect to long-strike bomber modernization, sustainment, and recapitalization efforts in support of the national defense strategy; (2) the Director of the Cost Analysis and Program Evaluation of the Office of the Secretary of Defense to submit to such committees and officials a cost analysis of DOD's long-range "family of systems" platforms; and (3) the CBO Director to report to such committees and the CG on life-cycle-costs analyses with respect

to such bombers and systems.

**Subtitle F: Other Matters** - (Sec. 1051) Requires, in each year in which a DOD quadrennial defense review is conducted, the establishment of an independent panel, to be known as the National Defense Panel, to perform specified duties in connection with each such review. Directs the Panel to submit to specified congressional committees an assessment of each review. Terminates each Panel 45 days after its final report.

(Sec. 1052) Expresses the sense of Congress that the quadrennial defense review is a critical strategic document and should be based upon a process unconstrained by budgetary influences that could determine or limit its outcome. Requires each review to be conducted so as to make recommendations that will not be influenced, constrained, or informed by the President's budget.

(Sec. 1053) Authorizes the sale of surplus military equipment to state and local homeland security and emergency management agencies. Expands the types of equipment that may be sold to include personal protective and other appropriate equipment.

(Sec. 1054) Directs the Secretary to: (1) establish a program to accelerate the fielding of innovative technologies developed using DOD research funding, and the commercialization of such technologies; and (2) report annually to the defense and appropriations committees on program operation. Provides funding. Terminates program authority (and the report requirement) at the end of FY2015.

(Sec. 1055) Makes technical and conforming amendments to federal provisions, specified national defense authorization Acts, the Detainee Treatment Act of 2005, the Weapon Systems Acquisition Reform Act of 2009, the Small Business Act, the National Maritime Heritage Act of 1994, and the National Nuclear Security Administration Act.

(Sec. 1056) Directs the Secretary, within the budget materials for FY2012 and thereafter, to ensure that a separate budget is included for programs and platforms regarding the sustainment and modernization of nuclear delivery systems.

(Sec. 1057) Expresses the sense of Congress that: (1) any reductions in U.S. nuclear forces should be supported by a thorough assessment of the strategic environment, threat, and policy, and the technical and operational implications of such reductions; and (2) specific criteria are necessary to guide future decisions regarding further reductions in such forces. Prohibits any such reduction below specified levels unless the Secretary and the Administrator for Nuclear Security jointly report to the defense and appropriations committees on such reduction, including specified written certifications by each, and 180 days have passed since such report.

(Sec. 1058) Expresses the sense of Congress that the Nuclear Posture Review, released in April 2010 by the Secretary, weakens the national security of the United States by eliminating options to defend against a catastrophic nuclear, biological, chemical, or conventional attack against the United States.

(Sec. 1059) Requires the Secretary to submit to the defense and appropriations committees a strategic assessment of the current and future strategic challenges posed to the United States by potential competitors through 2021, with particular attention paid to challenges posed by the military modernization of China, Iran, North Korea, and Russia.

(Sec. 1060) Directs the Secretary to provide each congressional committee an electronic link to classified information of DOD pertaining to a subject matter under the jurisdiction of such committee.

(Sec. 1061) Expresses the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008-9 of January 28, 2008, which waived application of section 1083 (relating to the terrorism exception to the jurisdictional immunity of a foreign state) of the NDAA for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the governments of Iraq and the the United States.

(Sec. 1062) Requires the Secretary to ensure that all DOD resources are used only for activities that: (1) fulfill a legitimate government purpose; (2) comply with all applicable DOD laws, regulations, and policies; and (3) contribute to the mission of DOD. Prohibits any DOD funds from being used for any activity that does not comply with such policy.

(Sec. 1063) Directs the Secretary to: (1) designate a senior DOD official to serve as the executive agent for preventing the introduction of counterfeit microelectronics into the defense supply chain; (2) prescribe the roles, responsibilities, and authorities of such agent; (3) ensure that each DOD component provides such agent with appropriate support and resources needed to perform the responsibilities of the agent; and (4) report to the defense appropriations committees on such roles and responsibilities, a strategy for preventing and eliminating counterfeit microelectronics in the defense supply chain, and an implementation plan for the execution of such strategy.

(Sec. 1064) Authorizes the Secretary to share with the Departments of Homeland Security (DHS) and Justice (DOJ) any data gathered during training exercises.

(Sec. 1065) Expresses the sense of Congress that: (1) the current policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide only serves to perpetuate the stigma of mental illness that pervades the Armed Forces; and (2) the President, as Commander-in-Chief, should overturn the policy and treat all military families equally.

(Sec. 1066) Expresses the sense of Congress that: (1) reducing domestic childhood obesity and hunger is a matter of national security; (2) obesity and hunger will continue to negatively impact military recruitment without appropriate access to physical activity, healthy food, and proper nutrition; (3) Congress should act to reduce childhood obesity and hunger; (4) the Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 should be funded at the President's request; and (5) the increases in funding for such programs should be properly offset.

(Sec. 1067) Expresses the sense of Congress that: (1) military installations that permit public access for recreational hunting and fishing should continue to do so where appropriate; (2) permitting the public to access military installations for recreational hunting and fishing benefits local communities by conserving and promoting the outdoors and establishing positive relations between the civilian and defense sectors; (3) any military installations that make recreational hunting and fishing permits available for purchase should provide a discounted rate for active and retired members of the Armed Forces and veterans with disabilities; and (4) DOD, all of the service branches, and military installations that permit such access should promote access to such installations by making the appropriate accommodations for members of the Armed Forces and veterans with disabilities.

(Sec. 1068) Commends the Armed Forces for their commitment to completing their humanitarian mission in Haiti. Encourages the President to order the U.S. flag to be flown over all military and civilian outposts in Haiti that are under U.S. jurisdiction.

(Sec. 1069) Directs the Secretary to: (1) commission an independent study on the optimal balance between manned and unmanned aerial vehicle forces; and (2) report study results to specified congressional committees.

**Title XI: Civilian Personnel Matters** - (Sec. 1101) Authorizes the Secretary to implement within one or more component organizations of DOD an alternate program for processing equal employment opportunity complaints. Outlines alternate program requirements. Requires: (1) the Secretary to develop an evaluation plan to assess the results of each alternate program implemented; and (2) the CG to submit an interim and final report on such

program to the Speaker of the House of Representatives and President pro tempore of the Senate.

(Sec. 1102) Amends provisions of the Hunter Act relating to the authority to hire scientists and engineers designated as shortage categories to increase from 2% to 4% the total number of such positions within one DOD science and technology laboratory.

(Sec. 1103) Allows certain executive department employees working aboard or in support of the carrier U.S.S. George Washington while that vessel is forward-deployed in Japan to receive overtime pay of one and one-half times their basic hourly rate. Directs the Secretary of the Navy to report to the Secretary and the Director of the Office of Personnel Management (OPM) on the use of such authority, including associated costs.

(Sec. 1104) Amends the Hunter Act to extend through FY2012 DOD authority to waive the annual limitation on premium pay and the aggregate pay limitation for federal civilian employees working overseas.

(Sec. 1105) Allows highly qualified experts serving in a contingency operation to receive the same pay benefits (premium, danger, and hazardous duty pay, e.g.) as currently received by federal civilian employees serving in those areas.

(Sec. 1106) Requires the head of each federal agency to provide for the assignment of a post-combat case coordinator for each agency employee who suffers an injury, disability, or illness incurred or contracted as a result of a **war**-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual. Requires the services of such coordinator to continue until: (1) the employee accepts or declines agency employment in a position not lower than two grades below the employee's previous grade; or (2) the employee gives written notice that such services are no longer desired or necessary.

(Sec. 1107) Allows the Secretary or a military department Secretary to waive hiring and retirement age limits for federal law enforcement and firefighter positions in the case of conversion of a department function from contractor performance to performance by a department employee.

(Sec. 1108) Expresses the sense of Congress that the Secretary should waive repayment of the voluntary separation incentive pay previously paid to employees who accepted a reassignment with DOD during the period beginning on April 1, 2004 and ending on May 1, 2008, and had received written assurance that repayment would not be required or would be waived.

(Sec. 1109) Amends the NDAA for Fiscal Year 2010 to extend through 2011 the suspension of the Defense Civilian Intelligence Personnel System.

(Sec. 1109) Directs the head of each federal agency operating an internship program to: (1) appoint an internship coordinator within the agency; and (2) make publicly available on the Internet such coordinator's name and contact information and information regarding application procedures and deadlines for the program. Directs OPM to: (1) make publicly available on the Internet links to websites where such information is displayed; and (2) establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are seeking full-time federal employment. Directs each agency to report annually to OPM on its internship program.

**Title XII: Matters Relating to Foreign Nations - Subtitle A: Assistance and Training** - (Sec. 1201) Amends the Reagan Act to increase from \$40 million to \$50 million the authorized funding for assistance to foreign forces, groups, or individuals supporting US special operations forces in combating terrorism.

(Sec. 1202) Authorizes the Secretary to provide nonmilitary logistic support, supplies, and services to allied forces or governmental agencies if U.S. Armed Forces will directly benefit. Requires concurrence of the Secretary of State in the provision of such support and services.

(Sec. 1203) Amends the NDAA for Fiscal Year 2006 to: (1) increase the amount authorized for a program for building the capacity of allied foreign military forces; and (2) increase the amount authorized for FY2012 for building foreign force capacity to participate in or support U.S. military and stability operations. Directs the Secretary to transfer specified funds to the Secretary of State for use to build the capacity of the counterterrorism forces of the Yemeni Ministry of Interior. Requires certification from the latter Secretary that such assistance can be effectively provided. Amends the Hunter Act to extend through FY2012 the authority of the Secretary to conduct a foreign forces capacity-building program under such Act.

(Sec. 1204) Directs the Secretary of the Air Force to establish and maintain a demonstration scholarship program to allow personnel of air forces of countries that are signatories of the Partnership for Peace agreement to receive undergraduate pilot and related training through the Euro-NATO Joint Jet Pilot Training program. Authorizes the provision of transportation, supplies and equipment, and a living allowance under the program. Requires a program status report from such Secretary to the defense, appropriations, and foreign relations committees. Terminates the scholarship program at the end of FY2015. Provides program funding from Air Force O&M funds.

**Subtitle B: Matters Relating to Iraq, Afghanistan, and Pakistan** - (Sec. 1211) Prohibits the use of funds from this Act to: (1) establish any military installation or base for providing for the permanent stationing of U.S. Armed Forces in Iraq; or (2) exercise U.S. control of the oil resources of Iraq.

(Sec. 1212) Authorizes the use, during FY2011, of specified DOD O&M funds to fund the Commanders' Emergency Response Program (urgent humanitarian assistance in Iraq and Afghanistan). Requires quarterly Program reports during FY2011 from the Secretary to the defense and appropriations committees. Prohibits any Program project in Iraq from exceeding \$2 million, with an exception, and an authorized waiver if the Secretary determines that the waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people. Requires the Secretary to certify Program projects in Iraq exceeding \$1 million.

(Sec. 1213) Amends the NDAA for Fiscal Year 2008 to: (1) extend through FY2011 DOD authority to reimburse certain coalition countries for support provided to U.S. military operations under Operations Iraqi Freedom or Enduring Freedom; and (2) add to authorized reimbursements logistical and military support provided to confront the threat posed by al Qaeda, the Taliban, and other military extremists in Pakistan.

(Sec. 1214) Amends the NDAA for Fiscal Year 2010 to extend through 2012, and revise the due date of, a required report on responsible redeployment of U.S. Armed Forces from Iraq. Requires additional information in such report, including assessments of the progress in transferring from DOD the responsibility of programs, projects, and activities carried out in Iraq, as well Iraqi progress in providing for its own internal and external defense. Directs the Secretary, before submitting such report, to provide a copy thereof to the Secretary of State for review. Repeals related report requirements.

(Sec. 1215) Amends the NDAA for Fiscal Year 2008 to extend through FY2012 a required report on progress toward security and stability in Afghanistan. Requires additional information in such report, including the strategic direction of U.S. activities in Afghanistan, as well as performance indicators and measures of progress toward sustainable long-term security and stability there. Extends through FY2012 a required U.S. plan for sustaining the Afghanistan National Security Forces.

(Sec. 1216) Prohibits this Act's funds from being used to establish any military installation or base for providing for the permanent stationing of U.S. Armed Forces in Afghanistan.



(Sec. 1217) Authorizes the Secretary to use specified FY2011 DOD O&M funds for Afghan citizen reintegration activities in Afghanistan, upon certification from the Secretary of State to the defense, appropriations, and foreign relations committees of the necessity of carrying out the reintegration program. Requires quarterly reports from the Secretary to such committees on the use of such funds. Terminates such authority at the end of 2011.

(Sec. 1218) Amends the NDAA for Fiscal Year 2010 to extend through FY2011 the Pakistan Counterinsurgency Fund.

(Sec. 1219) Authorizes the use of specified DOD O&M funds to provide supplies, services, transportation, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan. Requires quarterly reports from the Secretary to the defense and appropriations committees on the support provided.

(Sec. 1220) Directs the Secretary to provide each U.S. brigade and equivalent units deployed to Afghanistan with a commensurate level of unit and theater-wide combat enablers (intelligence, surveillance, reconnaissance, force protection, medical evacuation, and other capabilities as determined by the Secretary). Requires a report from the Secretary to the defense committees concerning the operations of U.S. forces in Afghanistan, including such units and enablers.

(Sec. 1221) Prohibits funds from being used to support the holding of elections in Afghanistan unless and until the President certifies to specified congressional officials concerning the ability of the Afghanistan Independent Election Commission to conduct fair and honest elections without the presence of electoral fraud.

(Sec. 1222) Directs the Special Inspector General for Afghanistan Reconstruction to: (1) issue recommendations on measures to increase oversight of contractors working in Afghanistan that have a record of engaging in waste, fraud, or abuse; (2) report on efforts to implement existing recommendations regarding oversight of such contractors; and (3) report on the extent to which military and security contractors and subcontractors in Afghanistan have been responsible for the death of Afghan civilians.

(Sec. 1223) Directs the President, at the same time as the submission of the FY2012 budget, to submit to Congress an estimate of the long-term costs of Operations Iraqi Freedom and Enduring Freedom, including scenarios of such costs based upon reduced levels of military personnel deployed in such Operations in the upcoming years. Requires such estimates to extend through at least FY2020, to be adjusted for inflation, to be based on historical trends, and to include certain special cost considerations.

**Subtitle C: Other Matters** - (Sec. 1231) Amends the NDAA for Fiscal Year 2010 to extend and increase for FY2011 the authorization of appropriations for DOD support of the North Atlantic Treaty Organization Special Operations Coordination Center.

(Sec. 1232) Requires the Secretary to: (1) develop a National Military Strategic Plan to Counter Iran; (2) develop a plan to address gaps in the ability to counter threats posed to the United States by Iran; and (3) report to the defense and appropriations committees identifying what is needed to carry out the latter plan.

(Sec. 1233) Directs the Secretary to report to the defense and foreign relations committees on plans to reform DOD's export control system.

(Sec. 1234) Expresses the sense of Congress that the Secretary should ensure that the United States has the appropriate authorities, capabilities, and force structure to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries. Requires a report from the Secretary to the defense committees on U.S. efforts to defend against such threats. Revises report requirements under the NDAA for Fiscal Year 2000 and the NDAA for Fiscal Year 2010 to include reporting on China's and Iran's anti-access and area denial capabilities.

(Sec. 1235) Directs the Secretary to report to the defense and foreign relations committees evaluating potential changes in the composition and capabilities of units of U.S. Armed Forces at military installations in European member nations of the North Atlantic Treaty Organization (NATO) in order to: (1) satisfy U.S. commitments under the North Atlantic Treaty; (2) address the current security environment in Europe; and (3) contribute to peace and stability in Europe.

(Sec. 1236) Expresses the sense of Congress that: (1) there would be no limitations on any phase of the phased, adaptive approach to missile defense in Europe resulting from ratification of the New START treaty between the United States and Russia; (2) the United States should deploy such approach for missile defense in Europe to protect the United States, its deployed forces, and NATO allies, after appropriate testing and consistent with NATO policy; and (3) the ground-based midcourse defense system in Alaska and California should be maintained, evolved, and appropriately tested since it is the only missile defense capability that would protect the United States from the growing threat of a long-range ballistic missile attack.

(Sec. 1237) Directs the Secretary to report to the defense and foreign relations committees evaluating naval security in the Persian Gulf and the Strait of Hormuz.

(Sec. 1238) Requires the Secretary to: (1) monitor and evaluate the impact of United States Africa Command (USAFRICOM) Combined Joint Task Force-Horn of Africa's activities to counter violent extremism in Africa; and (2) report to the defense and appropriations committees on the impact of such activities in advancing U.S. security objectives in the Horn of Africa, as well as on USAFRICOM's efforts to monitor and evaluate such impact.

(Sec. 1239) Directs the Secretary to submit to Congress specified information on Iraqis who were or are employed by the U.S. government in Iraq or by an organization or entity closely associated with the U.S. mission in Iraq that has received U.S. government funding through an official and documented contract, award, grant, or cooperative agreement, as well as the number of such Iraqis who have applied for resettlement into the United States or for U.S. special immigrant status. Requires the Secretary to develop a plan for the expedited processing of such resettlement or status applications in the case of Iraqis at risk as the United States withdraws from Iraq.

**Title XIII: Cooperative Threat Reduction** - (Sec. 1301) Specifies the cooperative threat reduction (CTR) programs to be funded through O&M funds provided under this Act. Makes funds appropriated for such purpose available for three fiscal years. Allocates such funds among specified CTR programs. Prohibits such funds from being used for purposes other than those specified until 15 days after the Secretary reports to Congress on the new purposes. Provides limited authority to vary allocated amounts in the national interest, after congressional notification.

**Title XIV: Other Authorizations - Subtitle A: Military Programs** - (Sec. 1401) Authorizes appropriations for FY2011 to be used by the Armed Forces and other activities and agencies of DOD for providing capital for working capital and revolving funds.

(Sec. 1402) Directs: (1) the Secretary to contract with an FFRDC to carry out a study to determine a sufficient operational level of cash that each DOD revolving fund should maintain in order to sustain a single rate or price throughout the fiscal year; (2) the chief executive officer of the FFRDC selected to report study results to the defense committees; and (3) the Secretary and the military department secretaries to submit to such committees their comments on the findings and recommendations contained in the FFRDC's report.

(Sec. 1403) Allows DOD working capital funds to be used to purchase supplies developed through continuous technology refreshment. Increases from \$100,000 to \$250,000 the working capital fund capital asset procurement threshold.

(Sec. 1404) Requires the Secretary to transfer specified unobligated funds from the Pentagon Reservation Maintenance Revolving Fund to the Miscellaneous Receipts Fund of the Treasury.

(Sec. 1405) Authorizes appropriations for FY2011 for: (1) the National Defense Sealift Fund; (2) chemical agents and munitions destruction; (3) DOD drug interdiction and counterdrug activities; (4) the Defense Inspector General; and (5) the Defense Health Program.

**Subtitle B: National Defense Stockpile** - (Sec. 1411) Authorizes the National Defense Stockpile (NDS) Manager, during FY2011, to obligate up to \$41.181 million of the funds in the National Defense Stockpile Transaction Fund (Fund) for authorized Fund uses, including the disposal of hazardous materials that are environmentally sensitive. Authorizes the NDS Manager to obligate amounts in excess of such amount 45 days after notifying Congress that extraordinary or emergency conditions necessitate the additional obligations.

(Sec. 1412) Amends the NDAA for Fiscal Year 2000 to increase the receipt objectives for previously-authorized NDS disposals.

**Subtitle C: Other Matters** - (Sec. 1421) Authorizes appropriations for FY2011 for the Armed Forces Retirement Home.

(Sec. 1422) Requires the Director of the Defense Logistics Agency, at the same time as the FY2012 budget submission, to report to the defense and appropriations committees on the DOD fuel infrastructure.

**Title XV: Authorization of Additional Appropriations for Overseas Contingency Operations** - (Sec. 1502) Authorizes appropriations for DOD for FY2011 to provide additional funds for overseas contingency operations, specifically for: (1) procurement; (2) the Joint Improvised Explosive Device Defeat Fund; (3) the Iron Dome Short-Range Rocket Defense Program; (4) National Guard and reserve equipment; (5) the Mine Resistant Ambush Protected Vehicle Fund; (6) RDT&E; (7) O&M; (8) military personnel; (9) Defense Working Capital Funds; (10) the Defense Health Program; (11) drug interdiction and counterdrug activities; and (12) the Defense Inspector General.

(Sec. 1512) Subjects funds made available in this Act for the Afghanistan Security Forces Fund and the Iraq Security Forces Fund to fund use and transfer conditions required under the NDAA for Fiscal Year 2008.

(Sec. 1519) Applies to funds authorized under this title provisions of the Hunter Act prohibiting the use of funds for the acquisition, development, or improvement of facilities in Iraq for use by the Iraqi government, its political subdivisions, or its armed forces.

(Sec. 1520) Earmarks specified funds authorized under this title to address urgent force protection requirements facing U.S. military forces in Afghanistan.

(Sec. 1521) Treats amounts authorized by this title as in addition to amounts otherwise authorized by this Act.

(Sec. 1522) Authorizes the Secretary, in the national interest, to transfer up to \$3.5 billion of the amounts made available to DOD in this title between any such authorizations for that fiscal year.

(Sec. 1523) Directs the Secretary to report to the defense and appropriations committees on the procurement of mine resistant ambush protected vehicles.

**Title XVI: Improved Sexual Assault Prevention and Response in the Armed Forces - Subtitle A: Immediate Actions to Improve Department of Defense Sexual Assault Prevention and Response Program** - (Sec. 1611) Requires the Secretary, effective with the program objective memorandum to be issued for FY2012 and thereafter, to specifically address the DOD sexual assault prevention and response program (program, for purposes of this title) to ensure that a separate line of funding is allocated to the program.

(Sec. 1612) Directs the Secretary, within one year after the enactment of this Act, to require the use of consistent terminology, descriptions, standards, and organizational structures throughout the Armed Forces in implementing the program.

(Sec. 1613) Directs the Secretary concerned, within the same time frame, to issue guidance to all military unit commanders that implementation of the program requires their leadership and is their responsibility.

(Sec. 1614) Requires the appropriate commanding officer, before making a decision regarding how to proceed under the UCMJ in the case of an alleged sexual assault or related offense, to offer to meet with the victim to determine the victim's opinion regarding case disposition, and to provide such information to the convening authority.

(Sec. 1615) Directs the Secretary to: (1) issue standards to assess and evaluate the effectiveness of the program of each Armed Force in reducing the number of sexual assaults involving members and in improving DOD response to reports of sexual assaults involving members; and (2) develop measures to ensure that the Armed Forces comply with those standards.

(Sec. 1616) Requires the Secretary to establish a universal hotline to facilitate the reporting of a sexual assault by a member who is a victim, or by any other person who is a victim of an assault involving a member.

(Sec. 1617) Directs the Secretary to report to the defense and appropriations committees on the program's application for the reserve components.

(Sec. 1618) Requires the Secretary to: (1) utilize a panel of military justice experts to review the effectiveness of UCMJ provisions concerning offenses involving rape, sexual assault, and other sexual misconduct; and (2) report review results to the defense and appropriations committees.

(Sec. 1619) Directs: (1) the Secretary of each military department to provide sexual assault prevention and response training and education for members and civilian employees under their jurisdiction; (2) the Secretary to provide for the inclusion of a sexual assault prevention and response training module at each level of professional education; and (3) the Secretary to direct that managers of specialty skills associated with first responders integrate sexual assault response training in initial and recurring training courses.

(Sec. 1620) Requires the Secretary, within two years after the enactment of this Act, to provide for the use of forensic medical examiners within DOD who are specially trained in the collection and preservation of evidence in cases involving sexual assault.

(Sec. 1621) Directs the Secretary to establish a Sexual Assault Advisory Board to advise the Secretary on the overall program and the effectiveness of the program of each armed force, and to make recommendations regarding changes and improvements to the program. Requires the Board to meet at least every two years.

(Sec. 1622) Requires the Secretary to reorganize the Sexual Assault Advisory Council and to limit Council membership to DOD personnel. Outlines Council purposes, organization, and membership. Requires the Council to meet at least quarterly. Requires the Secretary of each military department to establish their own council.

(Sec. 1623) Directs the Secretary to establish for each military installation or operational command a multi-disciplinary group to serve as a sexual

assault review board. Requires each board to meet at least quarterly.

(Sec. 1624) Directs the Secretary to complete implementation of the centralized sexual assault database (required under the Hunter Act) by the end of FY2011.

**Subtitle B: Sexual Assault Prevention Strategy and Annual Reporting Requirement** - (Sec. 1631) Requires the Secretary to: (1) submit to the defense and appropriations committees a comprehensive strategy to reduce the number of sexual assaults involving members; (2) complete strategy implementation within six months after such submission; (3) develop and implement an evaluation plan for assessing the effectiveness of the strategy; and (4) include assessment results in the annual report required under the following section.

(Sec. 1632) Directs: (1) the Secretary of each military department to report annually to the Secretary on the sexual assaults involving members under their jurisdiction, and to include a plan for reducing the number of such assaults and improving sexual assault response; and (2) the Secretary to submit each report to the defense committees, together with comments and recommendations. Repeals a superseded reporting requirement under the Reagan Act.

**Subtitle C: Amendments to Title 10** - (Sec. 1641) Establishes within DOD a Director of the Sexual Assault Prevention and Response Office to serve as the point of authority, accountability, and oversight for the DOD program and ensure that military departments comply with the program. Requires the inspectors general of each of the military departments to include sexual assault prevention and response programs within the scope of their assessments.

(Sec. 1642) Requires at least one full-time Sexual Assault Response Coordinator to be assigned to each brigade or equivalent unit level of the Armed Forces, and authorizes the Secretary concerned to assign additional Coordinators as necessary based on unit demographics or needs. Allows only military personnel and civilian DOD employees to serve as Coordinators as of the beginning of FY2013. Requires at least one full-time Sexual Assault Victim Advocate to be assigned to each brigade or equivalent unit level, with the same member-or-employee requirement. Directs the Secretary to establish a training and certification program to be completed by each Coordinator or Advocate. Requires the Secretary to develop and implement a protocol for the establishment and use of sexual assault response teams throughout DOD. Prohibits inspectors general of the military departments and their staff from performing Coordinator duties.

(Sec. 1643) Entitles a member or dependent who is the victim of a sexual assault to legal assistance by a military legal assistance counsel, as well as assistance by a Victim Advocate. Requires the member or dependent to be informed of the availability of such assistance upon seeking assistance from a Coordinator or any other responsible member or DOD civilian employee.

Allows a member victim to confidentially disclose an assault and receive medical treatment, legal assistance, or counseling without triggering an official investigation. Allows such confidential disclosure to: (1) a military legal assistance counsel; (2) a Coordinator or Advocate; (3) health care personnel; or (4) a chaplain. Directs the Secretary to implement a Coordinator-led process by which a member or dependent may decline to participate in the assault investigation.

(Sec. 1644) Requires, in the case of an alleged sexual assault or related offense covered under the UCMJ, the trial counsel to notify the servicing staff judge advocate at the military installation, who shall notify the convening authority and commanders, as appropriate. Requires commanding officers to notify members of the command of the outcome of the case.

(Sec. 1645) Requires, in the case of a general or special court-martial involving a sexual assault or related offense under the UCMJ, a copy of the record of the proceedings to be given to the victim if the victim testified during the proceedings.

(Sec. 1646) Directs the Secretary to establish protocols for providing medical care to a member who is a victim of a sexual assault, including protocols for appropriate screening, prevention, and mitigation of diseases. Requires: (1) an accurate and complete medical record; and (2) medical record confidentiality.

(Sec. 1647) Treats in the same manner as a confidential communication between a patient and a psychiatrist, for purposes of protection against disclosure, a confidential communication between the victim of a sexual assault or related offense and a Victim Advocate.

(Sec. 1648) Requires the Secretary concerned to provide for the expedited consideration and priority for approval of an application for a permanent change of station or unit transfer for active-duty members who are the victim of a sexual assault, so as to reduce the possibility of retaliation against the member for reporting the assault.

**Subtitle D: Other Matters** - (Sec. 1661) Directs the Secretaries concerned to ensure effective recruiter selection and oversight with regard to sexual assault prevention and response.

(Sec. 1662) Requires the Secretary, within 90 days after the enactment of this Act, to revise program materials to include information on the extent to which dependents of members, retired members, DOD civilian employees, and employees of contractors are eligible for sexual assault prevention and response services under the program. Requires a report from the Secretary to the defense and appropriations committees on the feasibility of extending to such dependents all the services available for a member victim.

(Sec. 1663) Requires the Secretaries concerned to ensure that a member who is a victim in a training environment is provided with confidential access to victim support services, is afforded time for recovery, and will not be required to repeat such training unless the time needed for services and recovery significantly interferes with the progress of the member's training.

(Sec. 1664) Directs: (1) the Secretary and the combatant commanders to ensure that the program continues to operate even in remote environments in which members are deployed, including coalition operations; and (2) the Secretary to monitor the implementation of the program and military justice and jurisdiction issues at joint basing locations.

**Title XVII: Federal Information Security - Subtitle A: Federal Information Security Amendments** - (Sec. 1701) Revises purposes and definitions under federal provisions concerning government information security. Establishes: (1) in the Executive Office of the President the National Office for Cyberspace (Office) to serve as the principal office for coordinating an assured, reliable, secure, and survivable information infrastructure and related capabilities; and (2) within such Office the Federal Cybersecurity Practice Board, which shall be responsible for developing and periodically updating information security policies and procedures, including minimum security controls, measures of security effectiveness, information security products and services, and remedies for security deficiencies.

Requires the Office Director to: (1) oversee operation of the federal information security incident center established under this title; (2) coordinate the defense of information infrastructure in the case of a large-scale attack on such infrastructure; (3) establish a national strategy to engage with the international community to set policies, principles, standards, and guidelines for information security; and (4) coordinate with OPM information security training for federal employees. Provides separate responsibilities with respect to national security systems, including DOD and CIA systems.

Requires: (1) each agency to have an annual independent audit of its information security program and practices, with audit results submitted to the Director; and (2) the Secretary of Commerce, on the basis of proposed standards developed by the National Institute of Standards and Technology (NIST), to promulgate information security standards pertaining to federal information systems. Allows an agency to employ more stringent standards.

Requires the Office Director to ensure the operation of a central federal information security incident center.

(Sec. 1702) Prohibits an agency from entering into a contract or interagency agreement for information technology without including requirements to provide effective information security that supports the operations and assets of that agency. Provides for vulnerability assessments of major systems. Requires the Office Director to oversee the development and implementation of policies, standards, and guidance to cost-effectively enhance agency information security. Requires a report from the Director to Congress on actions taken to implement this section.

Requires an initial and subsequent vulnerability assessments of major systems and related significant items of supply of each agency, requiring such assessments to be submitted to the appropriate congressional committees.

(Sec. 1703) Makes technical and conforming amendments necessitated by changes made under this title. Repeals inconsistent federal provisions. Makes the Director a member of the National Security Council.

(Sec. 1704) Provides effective dates for: (1) general requirements of this subtitle; and (2) the establishment of the National Office for Cyberspace and the Federal Cybersecurity Practice Board.

**Subtitle B: Federal Chief Technology Officer** - (Sec. 1711) Establishes in the Executive Office of the President an Office of the Federal Chief Technology Officer (FCTO).

Includes among the functions of the FCTO: (1) to analyze and advise the President and agency officials regarding the government's information technology infrastructures, strategy, and use; (2) to lead an interagency effort to ensure the use of best-in-class technologies, share best practices, and improve the use of technology in support of federal government requirements; (3) to promote technological innovation in the federal government; (4) to establish public-private sector partnership initiatives; and (5) to gather and utilize information concerning significant developments and trends in information technology.

Requires the Office to serve as a source of analysis and advice for the President and agency heads regarding major government policies, plans, and programs associated with information technology.

Requires the FCTO to: (1) be a member of the Domestic Policy Council and the Federal Cybersecurity Practice Board; and (2) publish an annual report on programs to promote technological innovations, recommendations for policies to encourage the generation of such innovations, and information on the Office's activities and accomplishments.

**Title XVIII: Guam World War II Loyalty Recognition Act - Guam World War II Loyalty Recognition Act** - (Sec. 1802) Recognizes the suffering and the loyalty of the people of **Guam** during the Japanese occupation of **Guam** in World **War II**.

(Sec. 1803) Directs the Secretary of the Treasury to make specified payments to: (1) living **Guam** residents who were raped, injured, interned, or subjected to forced labor or marches resulting from, or incident to, such occupation and subsequent liberation; and (2) survivors of compensable residents who died in **war** and survivors of compensable injured residents (such payments to be made after payments have been made to surviving **Guam** residents).

Defines "compensable **Guam** decedent" as a **Guam** resident who died or was killed as a result of the attack and occupation of **Guam** by Japanese military forces during World **War II**, or incident to **Guam's** liberation by U.S. military forces, and whose death would have been compensable under the **Guam** Meritorious Claims Act of 1945 if a timely claim had been filed.

Defines "compensable **Guam** victim" as an individual who, as a result of the attack and occupation of **Guam** by Japanese military forces during World **War II** or incident to the liberation of **Guam** by U.S. military forces, suffered any of the following: (1) rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis); (2) forced labor or personal injury (such as disfigurement, scarring, or burns); or (3) forced march, internment, or hiding to evade internment.

(Sec. 1804) Directs the Foreign Claims Settlement Commission to specify injuries that would constitute a severe personal injury or a personal injury. Authorizes the Commission to adjudicate claims and determine payment eligibility.

Requires: (1) claims to be filed within one year after the Commission publishes public notice of the filing period in the Federal Register; and (2) the Commission to make filing period information available to the public through the media in **Guam**.

Considers such payment a release of any related federal claims with respect to such residents or victims.

(Sec. 1805) Directs the Secretary of the Interior to establish a grant program for research, educational, and media activities that memorialize the events surrounding the World **War II** occupation of **Guam** or honor the loyalty of the people of **Guam** during the occupation, or both.

(Sec. 1806) Authorizes appropriations, which shall remain available for obligation until September 30, 2013, for: (1) **Guam** World **War II** claims payments and adjudication; and (2) the **Guam** World **War II** grant program.

**Division B: Military Construction Authorizations** - Military Construction Authorization Act for Fiscal Year 2011 - (Sec. 2002) Terminates all authorizations contained in Titles XXI through XXVII and Title XXIX of this Act on October 1, 2013, or the date of enactment of an Act authorizing funds for military construction for FY2014, whichever is later, with an exception.

(Sec. 2004) Reduces by \$441.096 million the amount authorized under this Division. Requires a report from the Secretary to the defense and appropriations committees describing how the reduction is applied.

**Title XXI [sic]: Army Military Construction** - (Sec. 2101) Authorizes the Secretary of the Army to acquire real property and carry out military construction projects in specified amounts at specified installations and locations. Authorizes such Secretary to construct or acquire family housing units, carry out architectural engineering services and construction design activities, and improve existing military family housing in specified amounts. Authorizes appropriations to the Army for fiscal years after 2010 for military construction, land acquisition, and military family housing functions of the Army.

(Sec. 2103) Amends the Military Construction Authorization Act (MCAA) for Fiscal Year 2002 to authorize, and provide funding for, a project for construction of a fire station at Fort Belvoir, Virginia. Directs the Secretary of the Army to provide specified congressional notification concerning the cost of such project.

(Sec. 2104) Revises certain prior-year military construction projects to: (1) change the location of a project in Germany; and (2) allow construction of a brigade headquarters at Fort Riley, Kansas.

(Sec. 2106) Extends certain prior-year military construction projects.

**Title XXII: Navy Military Construction** - (Sec. 2201) Provides, with respect to the Navy, authorizations paralleling those provided for the Army under the previous title. Extends a prior-year military construction project.

**Title XXIII: Air Force Military Construction** - (Sec. 2301) Provides, with respect to the Air Force, authorizations paralleling those provided for the Army under Title XXI. Extends a prior-year military construction project.

**Title XXIV: Defense Agencies Military Construction - Subtitle A: Defense Agency Authorizations** - (Sec. 2401) Authorizes the Secretary to acquire real property and carry out other-than-military construction projects in specified amounts at specified installations and locations. Authorizes the Secretary to construct or acquire family housing units and to carry out energy conservation projects in specified amounts. Authorizes appropriations for fiscal years after 2010 for military construction, land acquisition, architectural and engineering services and construction design, military family housing, and energy conservation projects.

**Subtitle B: Chemical Demilitarization Authorizations** - (Sec. 2411) Authorizes appropriations for fiscal years after 2010 for military construction and land acquisition for chemical demilitarization for the construction of: (1) phase 12 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado; and (2) phase 11 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky.

(Sec. 2412) Amends the MCAA for Fiscal Year 2000 to expand the scope of an authorized chemical demilitarization project at Blue Grass Army Depot.

**Title XXV: North Atlantic Treaty Organization Security Investment Program** - (Sec. 2501) Authorizes the Secretary to make contributions for the North Atlantic Treaty Organization Security Investment Program and authorizes appropriations for fiscal years after 2010 for such Program.

**Title XXVI: Guard and Reserve Forces Facilities** - (Sec. 2601) Authorizes the Secretary concerned to acquire real property and carry out military construction projects for the National Guard and reserves. Authorizes appropriations for fiscal years after 2010 for National Guard and reserve forces for acquisition, architectural and engineering services, and construction of facilities.

(Sec. 2606) Extends certain prior-year National Guard and reserve military construction projects.

**Title XXVII: Base Realignment and Closure Activities - Subtitle A: Authorizations** - (Sec. 2701) Authorizes appropriations for fiscal years after 2010 for military base closure and realignment activities authorized under the Defense Base Closure and Realignment Act of 1990 and funded through the Department of Defense Base Closure Account 1990.

(Sec. 2702) Authorizes the Secretary to carry out base closure and realignment activities authorized under the above Act and funded through the Department of Defense Base Closure Account 2005. Authorizes appropriations for fiscal years after 2010 for such activities.

**Subtitle B: Other Matters** - (Sec. 2711) Prohibits the Secretary of the Army from taking beneficial occupancy of more than 1,000 parking spaces provided by the BRAC (Base Realignment and Closure) 133 project (under the Fort Belvoir, Virginia, BRAC initiative) and the lease of other spaces in the immediate vicinity until such Secretary: (1) submits to the defense and appropriations committees a viable transportation plan for the BRAC 133 project; and (2) certifies that construction has been completed to provide adequate ingress to and egress from the business park at which the project is located. Requires the DOD Inspector General to report to such committees on the sufficiency and completion of environmental studies associated with such project site.

**Title XXVIII: Military Construction General Provisions - Subtitle A: Military Construction Program and Military Family Housing Changes** - (Sec. 2801) Amends federal provisions concerning the supervision of military construction projects to remove the requirement that the Secretary provide on an Internet site the estimated final cost of a project, as well as the source of funds for excess project costs. Provides general public access to the information provided by the Secretary.

(Sec. 2802) Authorizes the Secretary concerned to transfer proceeds from the sale of military housing to the Department of Defense Family Housing Improvement Fund, as long as 30 days have passed since such Secretary notifies the appropriate congressional committees of the transfer.

(Sec. 2803) Authorizes the Secretary to initiate construction services and certain construction projects, not otherwise authorized by law, as an element of excess NATO Security Investment program contribution.

(Sec. 2804) Terminates at the end of FY2012 the Secretary's authority to use funds from the Pentagon Reservation Maintenance Revolving Fund to support construction, repair, alteration, or related activities for the Pentagon Reservation.

(Sec. 2805) Amends the MCAA for Fiscal Year 2004 to extend through FY2011 DOD authority to use O&M funds of up to \$200 million for construction projects inside the U.S. Central Command area of responsibility. Authorizes the Secretary, during such fiscal year, to waive certain prenotification requirements with regard to such projects. Authorizes the Secretary to increase project authority to up to \$300 million for projects in Afghanistan.

(Sec. 2806) Directs the Secretary to establish the Veterans to Work pilot program to determine: (1) the maximum extent to which apprentices who are veterans may be employed on designated military construction projects; and (2) the feasibility of expanding the employment of such apprentices to military construction projects other than those designated. Requires the Secretary, for each of FY2011-FY2015, to designate for the pilot program at least 20 military construction projects, taking into account specified considerations, including geographic diversity. Prohibits unspecified minor military construction projects from exceeding 40% of the designated projects. Requires: (1) an annual report from the Secretary to Congress on the progress of designated projects and the of roles veteran-apprentices in achieving such progress; and (2) a one-time report analyzing the pilot program and its effect on veteran employment in sustainable wage fields or professions.

**Subtitle B: Real Property and Facilities Administration** - (Sec. 2811) Repeals: (1) a reporting requirement with respect to DOD real property transactions that involve an estimated value of more than \$250,000, but no more than \$750,000; and (2) a notice-and-wait requirement involving General Services Administration (GSA) leases of space on behalf of DOD at an annual rate of more than \$750,000. Adds additional reporting requirements with respect to leases of property owned by the United States.

(Sec. 2812) Authorizes the Secretary concerned to retain for the sole use of such museum proceeds derived at a military museum as a result of the lease of non-excess property.

(Sec. 2813) Repeals DOD authority to lease real property for special operations activities. (Such authority had expired on September 30, 2005.)

(Sec. 2814) Authorizes the Secretary to provide for the removal of unexploded ordnance and munitions on the former bombardment area of the island of Culebra, Commonwealth of Puerto Rico. Directs the Secretary to: (1) conduct a study relating to the presence of unexploded ordnance there; and (2)

report study results to the defense and appropriations committees.

(Sec. 2815) Authorizes the Secretary, under certain conditions, to make grants and supplement other non-DOD federal funds in order to assist a state or local government with the development of public infrastructure in or around the area of a military installation being closed or realigned under the Defense Base Closure and Realignment Act of 1990.

**Subtitle C: Provisions Related to Guam Realignment** - (Sec. 2821) Expresses the sense of Congress that: (1) for national security reasons, the United States is required periodically to construct major, new military installations despite the serious adverse impacts they will have on the local communities and areas; and (2) neither the impacted local governments nor the local communities should be expected to bear the full cost of mitigating such impacts.

(Sec. 2822) Authorizes the Secretary to: (1) assist the government of **Guam** in meeting the costs of providing increased municipal services and facilities made necessary as a result of the realignment of military installations and the relocation of military personnel on **Guam** (the **Guam** realignment), if the Secretary determines that an unfair and excessive financial burden will be incurred by **Guam** as a result of the **Guam** realignment; and (2) mitigate identified significant impacts. Directs the Secretary to provide such assistance through existing federal programs, and limits to \$500 million the total cost of construction of facilities for such purposes. Requires semiannual progress reports from the Secretary to the defense committees. Terminates such authority at the end of FY2017.

(Sec. 2823) Extends through FY2020 the term of the Deputy Secretary of Defense as head of the **Guam** Oversight Council.

(Sec. 2824) Authorizes the Secretary to convey to the **Guam** Waterworks Authority all rights and interests in and to the water and wastewater treatment utility systems on **Guam**, in exchange for at least a 33% voting representation on the **Guam** Consolidated Commission on Utilities. Provides that if the conveyance occurs, the Secretary shall: (1) submit an implementation report to the defense and appropriations committees; and (2) enter into an agreement with the Authority under which the Authority shall manage and operate any treatment plant constructed by a military department on **Guam**. Authorizes the Secretary of the Interior to provide technical assistance with respect to the design, construction, operation, and maintenance of integrated water and wastewater treatment utility systems on **Guam**, and directs the Secretaries of Defense and the Interior to report jointly to the defense, appropriations, and energy committees on such assistance and related matters.

(Sec. 2825) Requires a report from the Secretary to the defense and appropriations committees on the structural integrity of facilities required to support the **Guam** realignment.

(Sec. 2826) Directs the Secretary of the Interior to report to the defense, appropriations, and energy committees on civilian infrastructure improvements needed to support the **Guam** realignment.

(Sec. 2827) Requires the CG to submit to the defense and appropriations committees a review and assessment of the proposed replacement naval hospital on **Guam**.

**Subtitle D: Energy Security** - (Sec. 2831) Revises required elements of the DOD energy performance plan to include consideration of hybrid-electric drive and high-efficiency vehicles, as well as opportunities for high-performance construction, lease, operation, and maintenance of buildings.

(Sec. 2832) Requires the Secretary to develop a plan and implementation guidelines for achieving the DOD goal regarding the use of renewable energy to meet facility energy needs, and to submit the plan and guidelines to the defense committees.

(Sec. 2833) Directs the Secretary to submit to the defense committees an assessment of insulation retrofitting for DOD facilities.

**Subtitle E: Land Conveyances** - (Sec. 2841) Authorizes the Secretary of the Air Force to convey to the Fairbanks North Star Borough, Alaska, personal property acquired for the Eielson Air Force Base Alternate Energy Source Program, to be used for a waste-to-energy power plant that would generate electricity through the burning of waste.

(Sec. 2842) Authorizes the Secretary of the Army to convey to: (1) the city of Whittier, Alaska, certain real property at the Whittier Petroleum, Oil, and Lubricant Tank Farm, to be used for public activities; and (2) the Department of Veterans Affairs of the Commonwealth of Kentucky certain property at Fort Knox, Kentucky, to establish and operate a state veterans home and expand the adjacent state veterans cemetery.

(Sec. 2844) Authorizes the Secretary of the Navy to convey to: (1) the Algiers Development District (Louisiana) the Naval Support Activity in New Orleans, Louisiana; (2) Humboldt Township, Michigan, specified real property in Republic, Michigan, for public activity uses; and (3) the North Carolina State Port Authority in Wilmington, North Carolina, the Marine Forces Reserve Center in Wilmington, for the development of a port facility and other public purposes.

**Subtitle F: Other Matters** - (Sec. 2851) Directs the Secretary to establish a unified construction standard for military construction and repairs at military medical facilities that provides a single standard of care, including a size standard for operating and recovery rooms. Requires: (1) the Secretary to establish an independent advisory panel for assistance in establishing such standard, and for related activities; (2) an interim and two additional reports from the panel to the Secretary; and (3) a report from the Secretary to the defense and appropriations committees assessing the panel's findings and recommendations. Terminates the advisory panel at the end of FY2015.

(Sec. 2852) Designates the newly constructed Armed Forces Reserve Center in Middletown, Connecticut, as the "Major General Maurice Rose Armed Forces Reserve Center."

**Title XXIX: Overseas Contingency Operations Military Construction - Subtitle A: Fiscal Year 2010 Projects** - (Sec. 2901) Authorizes the Secretary of the Army to acquire real property and carry out military construction projects during FY2010 at specified installations and locations outside the United States in support of overseas contingency operations. Authorizes appropriations for fiscal years after 2009 for military construction, unspecified minor military construction projects, and architectural and engineering services and construction design activities.

(Sec. 2902) Provides, with respect to the Air Force, authorizations paralleling those provided for the Army, above.

**Subtitle B: Fiscal Year 2011 Projects** - (Sec. 2911) Authorizes the Secretary of the Army to acquire real property and carry out military construction projects during FY2011 at specified installations and locations outside the United States in support of overseas contingency operations. Authorizes appropriations for fiscal years after 2010 for military construction, unspecified minor military construction projects, and architectural and engineering services and construction design activities.

(Sec. 2912) Provides, with respect to the Air Force, authorizations paralleling those provided for the Army, above.

(Sec. 2913) Authorizes the Secretary of Defense to acquire real property and carry out military construction projects during FY2011 at specified installations and locations outside the United States in support of overseas contingency operations. Authorizes appropriations for fiscal years after 2010 for such military construction projects and for architectural and engineering services and construction design activities.

(Sec. 2914) Earmarks specified funds authorized under this subtitle to plan, design, and construct facilities in a foreign country for DOD.

**Subtitle C: Other Matters** - (Sec. 2921) Requires the Secretary, before using funds to carry out a construction project outside the United States which has an estimated cost in excess of that authorized for unspecified minor military construction projects, to notify the defense and appropriations committees of such project, and to wait until ten days after such notification is received. Requires such notification to include certification that such construction is necessary to meet urgent military operational requirements. Directs the Secretary to report quarterly to such committees on the worldwide obligation and expenditure of funds for construction projects authorized under this title.

**Division C: Department of Energy National Security Authorizations and Other Authorizations - Title XXXI: Department of Energy National Security Programs - Subtitle A: National Security Programs Authorizations** - (Sec. 3101) Authorizes appropriations for DOE for FY2011 for: (1) activities of the National Nuclear Security Administration (NNSA) in carrying out programs necessary for national security, with specified allocations for weapons activities, defense nuclear nonproliferation activities, naval reactors, and the Office of the Administrator for Nuclear Security (Administrator); and (2) environmental restoration and waste management activities and plant projects in carrying out national security programs, with specified allocations for defense environmental cleanup, other defense activities, and energy security and assurance.

**Subtitle B: Program Authorizations, Restrictions, and Limitations** - (Sec. 3111) Amends the Stump Act to extend until January 1, 2018, the date by which the DOE's International Nuclear Materials Protection and Cooperation program must develop a sustainable nuclear materials protection, control, and accounting system for the Russian Federation's nuclear materials that will be supported solely by Russia.

(Sec. 3112) Amends the Atomic Energy Defense Act to authorize the Secretary of Energy (Secretary, for purposes of this title only) to facilitate the development of energy parks (facilities promoting energy security, environmental sustainability, economic competitiveness, and energy-sector jobs) on defense nuclear facility reuse property through the use of collaborative partnerships with state and local governments, the private sector, and community reuse organizations. Requires a report from the Secretary to the defense and energy committees on steps taken to facilitate such development.

(Sec. 3113) Directs the Administrator, subject to the availability of appropriations, to establish a technology transfer center at each DOE national security laboratory.

(Sec. 3114) Earmarks specified funds authorized under this title for the Secretary to procure no more than two aircraft.

(Sec. 3115) Directs the Administrator to: (1) encourage technology transfer activities at DOE national security laboratories that lead to the creation of new private-sector employment opportunities; and (2) report annually to Congress on the number of new opportunities so created.

**Subtitle C: Reports** - (Sec. 3121) Amends the National Nuclear Security Administration Act to require the CG to study, and report to the defense and appropriations committees on, each biennial plan and budget assessment required from the Administrator concerning the modernization and refurbishment of the nuclear security complex. Requires biannual study updates from the CG.

(Sec. 3122) Directs the Secretary to report to the defense and appropriations committees on the implementation of DOE's graded security protection policy.

**Title XXXII: Defense Nuclear Facilities Safety Board** - (Sec. 3201) Authorizes appropriations for FY2011 for the Defense Nuclear Facilities Safety Board.

**Title XXXIV [sic]: Naval Petroleum Reserves** - (Sec. 3401) Authorizes appropriations to the Secretary of Energy for FY2011 to carry out activities relating to the naval petroleum reserves.

**Title XXXV: Maritime Administration** - (Sec. 3501) Authorizes appropriations to the Secretary of Transportation (Secretary, for purposes of this title only) for FY2011 for the Maritime Administration (MA) for specified activities, including: (1) Merchant Marine Academy operations and state maritime academies; (2) maintaining a U.S.-flag merchant fleet; (3) the disposal of obsolete vessels in the National Defense Reserve Fleet; and (4) maritime loan guarantees.

(Sec. 3502) Extends through FY2025 the authorization for the Maritime Security Fleet.

(Sec. 3503) Replaces the governor of the Northern Mariana Islands with the delegate to the U.S. House of Representatives from the Northern Mariana Islands as the designated official to nominate individuals from the Northern Mariana Islands for appointment as cadets at the U.S. Merchant Marine Academy.

(Sec. 3504) Amends the Hunter Act to authorize the MA to use specified funds made available to the Port of **Guam** Improvement Enterprise Program for FY2011 and thereafter for administrative expenses.

(Sec. 3505) Defines "traditional application" and "nontraditional application" for purposes of the MA's vessel loan guarantee program. Revises the period for approval or rejection of such applications by the Secretary or the Maritime Administrator.

**Division D: Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act** - Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010 - **Title I [sic]: Defense Acquisition System** - (Sec. 101) Directs the Secretary to ensure that: (1) all elements of the defense acquisition system (DAS) are subject to regular performance assessments to ensure maximum acquisition value; (2) the performance of each element is assessed at least annually; (3) such assessments are tailored to reflect the diverse nature of defense acquisition; (4) each DOD service acquisition executive establishes metrics to be used in its assessments, including goals and standards for each metric so established; (5) the assessments are subject to periodic audits; and (6) assessment results are used in the management of DAS elements. Requires the Secretary to ensure that the chief of staff of each military department assist the Secretary of that department in the performance of specified acquisition-related functions.

(Sec. 102) Adds the Under Secretary of Defense for Policy as an advisor to the Joint Requirements Oversight Council (JROC). Allows the JROC Chairman to include a combatant commander or deputy combatant commander when matters relating to such command are under consideration. Amends the Weapon Systems Acquisition Reform Act of 2009 to require that GAO include in a required annual report the extent to which JROC has meaningfully considered the input of specified DOD officials concerning proposed joint military requirements and related discussions. Requires the Director of Cost Assessment and Program Evaluation to include within a required annual report an analysis of the degree of independence of personnel responsible for cost estimates or cost analysis for a major defense acquisition program.

(Sec. 103) Requires the Secretary to: (1) ensure that DOD develops and implements a program to manage performance in establishing joint military requirements; and (2) designate a joint qualified officer to serve as leader of a joint effort to develop such program. Requires the program to be developed and implemented within one year after the enactment of this Act. Directs the Secretary to submit to the defense and appropriations committees an initial and final report concerning program implementation.

(Sec. 104) Directs the: (1) Secretary to ensure that each military department establishes a process for identifying, assessing, and approving requirements for the acquisition of services; and (2) chiefs of staff of the military departments to issue and maintain guidance relating to each process and to develop a process implementation plan.

(Sec. 105) Requires the JROC Chairman to designate a commander of a unified combatant command to provide a joint evaluation task force to assist in the acquisition of a materiel solution for each joint military requirement involving a solution for which such Chairman is the validation authority. Outlines task force responsibilities.

(Sec. 106) Directs the Secretary to: (1) conduct a review of the DOD acquisition guidance, including the guidance entitled "Operation of the Defense Acquisition System"; and (2) report to the defense and appropriations committees on necessary changes to such guidance.

(Sec. 107) Requires the Federal Acquisition Regulation (FAR) to be revised, as appropriate, to include references to services acquisition.

(Sec. 108) Outlines requirements for the DOD procurement of military purpose nondevelopmental items (items which are developed exclusively at private expense and meet a validated military requirement, and for which delivery may be made within nine months of contract award in units of less than \$10 million). Includes among such requirements that the contract be awarded using competitive procedures and be a firm, fixed-price type contract. Excepts such contracts from the requirement that the contractor submit certain certified cost or pricing data prior to contract award.

**Title II: Defense Acquisition Workforce** - (Sec. 201) Directs the Secretary to use DOD employment authorities, including flexibilities related to performance management and hiring and the training of managers, in order to develop and manage a highly skilled professional workforce which ensures that DOD receives the best value for its expenditures.

(Sec. 202) Codifies under federal law the authority of the Secretary to carry out a demonstration project on proposals to improve personnel management policies and procedures applicable to the DOD acquisition workforce and supporting personnel (originally established under the NDAA for Fiscal Year 1996). Limits to 120,000 the total number of employees who may participate in the project. Requires the Secretary to designate an independent organization to assess the project every two years, and requires reports on such assessments to be transmitted to Congress. Terminates the project at the end of FY2017. Directs that employees in the project be converted, within six months after project termination, to the performance management system under the General Schedule (GS) system.

(Sec. 203) Requires the Secretary to provide for an enhanced system of incentives for employees who contribute to the achievement of performance goals. Directs the military department Secretaries to fully use and enhance military acquisition workforce incentives.

(Sec. 204) Directs the Secretary to establish policies and issue guidance to ensure the proper development, assignment, and employment of civilian personnel within the DOD acquisition workforce. Requires specified information concerning such workforce to be included in required annual reports to Congress relating to DOD personnel strengths. Directs the Secretary to establish requirements for the completion of course work and related on-job training and demonstration of qualifications in the critical acquisition-related duties and tasks of critical acquisition employees.

(Sec. 205) Provides additional acquisition workforce recertification and training requirements. Directs the Secretary to develop fulfillment standards, and implement and maintain a program, for achieving the necessary level of acquisition workforce training, including contracting-out for such training when appropriate.

(Sec. 206) Requires the Secretary to develop and carry out a plan to strengthen that part of the workforce that specializes in information technology.

(Sec. 208) Directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to lead a review of the curriculum offered by the Defense Acquisition University to ensure that it adequately supports the training and education requirements of acquisition professionals. Requires: (1) the Secretary to conduct an analysis of funding requirements for training; and (2) the President of the Defense Acquisition University to work with relevant professional schools and degree-granting institutions of DOD and the military departments to ensure that best practices are used in curriculum development to support acquisition workforce positions.

(Sec. 209) Directs the Secretary to develop intern and scholarship programs in cost estimating for purposes of improving education and training in such estimating and providing an opportunity to meet cost estimating certification requirements.

(Sec. 210) Directs the Secretary to prohibit the award by any DOD component of a personal services contract for obtaining the services of a senior mentor. Provides an exception with respect to a senior mentor employed as a highly qualified expert, but requires such mentor to submit a financial disclosure report and comply with all federal conflict of interest laws and regulations applicable to federal employees with similar conditions of service.

**Title III: Financial Management** - (Sec. 301) Directs the Under Secretary of Defense (Comptroller) to ensure that any DOD component that has financial statements validated as ready for audit earlier than September 30, 2017, receives preferential treatment in: (1) financial matters, including the release of appropriated funds; and (2) the availability of personnel management incentives. Terminates such requirement at the end of FY2017.

(Sec. 302) Requires the Secretary to ensure that corrective measures are immediately taken to address the failure of a DOD component to achieve a validated financial statement by September 30, 2017.

(Sec. 303) Expresses the sense of Congress that: (1) DOD program managers should be encouraged to place a higher priority on seeking the best value for the government than on meeting arbitrary benchmarks for spending; and (2) any actions taken to achieve such higher priority should be supported by DOD's leadership at every level. Requires the Chief Management Officer of DOD to: (1) review and update all relevant policy and instruction regarding obligation and expenditure benchmarks to ensure that it does not prevent achieving the best value for the government in the obligation and expenditure of funds; and (2) review the use and value of such benchmarks and propose new benchmarks or processes for tracking financial performance, as appropriate.

(Sec. 304) Directs the Secretary to require: (1) DOD health care contract bidders to disclose with such bid any additional costs associated with compliance with the Patient Protection and Affordable Care Act (PPACA) and the Health Care and Education Reconciliation Act of 2010; and (2) any contractor chosen to disclose such information on an annual basis. Requires an annual report, in each of 2011 through 2016, from the Secretary to the defense committees on the additional costs disclosed.

**Title IV: Industrial Base** - (Sec. 401) Directs the Secretary to establish a program to expand the DOD industrial base in order to increase access to innovation and the benefits of competition. Requires the program to include: (1) outreach to firms in the vicinity of DOD installations concerning the opportunity to obtain contracts and perform work at such installations; and (2) a continuous review of the industrial base, including identifying markets of importance to DOD.

(Sec. 402) Amends the Thurmond Act to extend until April 1, 2013, the requirement for a report on price trends of certain commercial items procured by DOD. Requires such report to include actions taken to address unjustified price escalations in such items.

(Sec. 403) Requires the head of any executive agency that issues an invitation for bids or a request for proposals for a contract in an amount greater



than the simplified acquisition threshold (generally \$100,000) to direct each person submitting such a bid or proposal to: (1) certify that the person does not have a delinquent tax debt that exceeds \$3,000; and (2) authorize the Secretary of the Treasury to disclose to the agency head verifying information with respect to the certification. Provides an identical requirement with respect to agency offerings of grants in excess of such threshold.

(Sec. 404) Requires the Director of the Defense Contract Audit Agency to appoint a General Counsel for such Agency. Directs the Secretary to ensure that any contractor business system review carried out by a military department, defense agency, or DOD Field Activity: (1) complies with generally accepted government auditing standards; (2) is performed by an audit team that does not engage in any other official activity involving that contractor; (3) is performed consistent with a documented assessment of the risk to the federal government; and (4) involves testing on a representative sample of transactions sufficient to fully examine the integrity of the business system concerned. Requires the Secretary to issue guidance relating to contract audits carried out by such DOD entities that are not contractor business system reviews.

(Sec. 405) Directs the Secretary to establish a panel to: (1) create recommendations on eliminating barriers to contracting with DOD and its defense supply centers; and (2) report its recommendations to Congress.

(Sec. 406) Requires the inclusion of references to the provision of services and information technology within definitions and policy requirements relating to the national technology and industrial base.

(Sec. 407) States that nothing in this Act or its amendments shall be construed to affect competition requirements for the DOD acquisition of services.

(Sec. 408) Directs the Secretary to carry out a program to provide opportunities to provide cost-savings on nondevelopmental items. Terminates the program at the end of FY2013. Requires a program report from the Secretary to the defense committees, including the number of acquisition savings proposals submitted and favorably reviewed, and the cumulative savings achieved.

(Sec. 409) Expresses the sense of Congress that DOD should: (1) ensure full contractor and subcontractor compliance with the Berry Amendment (requirement to buy certain articles from American sources) and the Buy American Act; and (2) not procure products made by U.S. manufacturers that violate U.S. labor standards.

(Sec. 410) Establishes in DOD the Industrial Base Council to assist the Secretary in all matters pertaining to the DOD industrial base, including the national defense technology. Outlines related Council duties. Requires the Secretary to describe Council activities in a required annual report concerning the DOD national technology and industrial base. Directs the Secretary to establish the Industrial Base Fund for use by the Council, requiring the Secretary to establish procedures for expending monies in the Fund.

**Title V: Other Matters** - (Sec. 501) Directs the CG to: (1) conduct a study to determine if there is sufficient domestic production of items covered under the clothing allowance for enlisted personnel; and (2) transmit study results to the Secretary. Requires the Secretary to submit to the defense committees an evaluation of whether such items should be considered subject to the Berry Amendment.

(Sec. 502) Requires that, in the evaluation of competitive proposals for defense contracts, cost or price to the government be given at least equal importance as all other evaluation factors combined. Allows the waiver of such requirement by the agency head concerned. Directs the Secretary to submit to Congress, and post publicly, a report on each waiver issued.

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#### MAJOR ACTIONS:

4/26/2010 Introduced in House  
5/21/2010 Reported (Amended) by the Committee on Armed Services. H. Rept. [111-491](#), Part I.  
5/26/2010 Supplemental report filed by the Committee on Armed Services, H. Rept. [111-491](#), Part II.  
5/28/2010 Passed/agreed to in House: On passage Passed by recorded vote: 229 - 186 ([Roll no. 336](#)).  
6/28/2010 Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 447.

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#### ALL ACTIONS:

##### 4/26/2010:

Referred to the House Committee on Armed Services.

##### 5/11/2010:

Referred to the Subcommittee on Terrorism, Unconventional Threats and Capabilities.

##### 5/13/2010:

Subcommittee Consideration and Mark-up Session Held.

##### 5/13/2010:

Forwarded by Subcommittee to Full Committee by Voice Vote .

##### 5/11/2010:

Referred to the Subcommittee on Air and Land Forces.

##### 5/13/2010:

Subcommittee Consideration and Mark-up Session Held.

##### 5/13/2010:

Forwarded by Subcommittee to Full Committee by Voice Vote .

##### 5/11/2010:

Referred to the Subcommittee on Military Personnel.

##### 5/12/2010:

Subcommittee Consideration and Mark-up Session Held.

##### 5/12/2010:

Forwarded by Subcommittee to Full Committee by Voice Vote .

##### 5/11/2010:

Referred to the Subcommittee on Readiness.

##### 5/13/2010:

Subcommittee Consideration and Mark-up Session Held.

##### 5/13/2010:

Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .

##### 5/11/2010:

Referred to the Subcommittee on Seapower and Expeditionary Forces.

##### 5/13/2010:

Subcommittee Consideration and Mark-up Session Held.

**5/13/2010:**

Forwarded by Subcommittee to Full Committee by Voice Vote .

**5/11/2010:**

Referred to the Subcommittee on Strategic Forces.

**5/12/2010:**

Subcommittee Consideration and Mark-up Session Held.

**5/12/2010:**

Forwarded by Subcommittee to Full Committee by Voice Vote .

**5/21/2010 11:06pm:**

Reported (Amended) by the Committee on Armed Services. H. Rept. [111-491](#), Part I.

**5/21/2010 11:06pm:**

Placed on the Union Calendar, Calendar No. 279.

**5/26/2010 6:44pm:**

PERMISSION TO FILE SUPPLEMENTAL REPORT - Mr. Marshall asked unanimous consent that the Committee on Armed Services may have permission to file a supplemental report on [H.R. 5136](#). Agreed to without objection.

**5/26/2010 7:03pm:**

Supplemental report filed by the Committee on Armed Services, H. Rept. [111-491](#), Part II.

**5/26/2010 11:28pm:**

Rules Committee Resolution [H. Res. 1404](#) Reported to House. Rule provides for consideration of [H.R. 5136](#) with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 or rule XXI.

**5/27/2010 12:31pm:**

Rule [H. Res. 1404](#) passed House.

**5/27/2010 12:55pm:**

Considered under the provisions of rule [H. Res. 1404](#). (consideration: CR [H3887-4019](#), CR 5/28/2010 [H4025-4064](#))

**5/27/2010 12:55pm:**

Rule provides for consideration of [H.R. 5136](#) with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 or rule XXI.

**5/27/2010 12:55pm:**

House resolved itself into the Committee of the Whole House on the state of the Union pursuant to [H. Res. 1404](#) and Rule XVIII.

**5/27/2010 12:55pm:**

The Speaker designated the Honorable Ed Pastor to act as Chairman of the Committee.

**5/27/2010 12:56pm:**

GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on [H.R. 5136](#).

**5/27/2010 1:45pm:**

ORDER OF PROCEDURE - Pursuant to section 4 of [H. Res. 1404](#), Mr. Skelton asked unanimous consent that during further consideration of [H.R. 5136](#) in the Committee of the Whole, and following consideration of Amendment No. 4 printed in House Report 111-498, the following amendments be considered: Amendments en bloc No. 1, Amendment numbered 13 printed in House Report 111-498, Amendments en bloc No. 2, and Amendments en bloc No. 3. Agreed to without objection.

**5/27/2010 2:00pm:**

ORDER OF PROCEDURE - Pursuant to section 4 of [H. Res. 1404](#), Mr. Skelton gave notice that amendments numbered 80 and 82 may be offered out of order.

**5/27/2010 2:10pm:**

[H.AMDT.654](#) Amendment (A001) offered by Mr. Skelton. (consideration: CR [H3984-3986](#), [H4013](#); text: CR [H3984](#))  
Amendment makes a variety of technical corrections in the bill.

**5/27/2010 2:10pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the Skelton amendment number 1.

**5/27/2010 2:25pm:**

POSTPONED PROCEEDINGS - At the conclusion of debate on the Skelton amendment number 1, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Andrews demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 2:26pm:**

[H.AMDT.655](#) Amendment (A002) offered by Mr. Bartlett. (consideration: CR [H3986](#); text: CR [H3986](#))

Amendment prohibits funds from being obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made on a full and open competition.

**5/27/2010 2:26pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the Bartlett amendment number 2.

**5/27/2010 2:28pm:**

[H.AMDT.655](#) On agreeing to the Bartlett amendment (A002) Agreed to by voice vote.

**5/27/2010 2:30pm:**

[H.AMDT.656](#) Amendment (A003) offered by Mr. Smith (WA). (consideration: CR [H3986-3988](#); text: CR [H3986-3987](#))

Amendment ensures that the spouse, children and parents of a deployed or deploying member of the Armed Forces, who are not covered under the Family Medical Leave Act, have the ability to take at least two weeks of unpaid leave from their job in order to address issues that arise over the course of a deployment cycle.

**5/27/2010 2:31pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the Smith (WA) amendment number 3.

**5/27/2010 2:41pm:**

[H.AMDT.656](#) On agreeing to the Smith (WA) amendment (A003) Agreed to by voice vote.

**5/27/2010 2:42pm:**

[H.AMDT.657](#) Amendment (A004) offered by Mr. Marshall. (consideration: CR [H3988-3990](#), [H4013-4014](#); text: CR [H3988](#))

An amendment numbered 4 printed in House Report 111-498 to express the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

**5/27/2010 2:42pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the Marshall amendment number 4.

**5/27/2010 2:52pm:**  
POSTPONED PROCEEDINGS - At the conclusion of debate on the Marshall amendment number 4, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Marshall demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 2:53pm:**  
ORDER OF PROCEDURE - Pursuant to section 4 of [H. Res. 1404](#), Mr. Skelton gave notice that amendments numbered 21, 42, and 47 may be offered out of order.

**5/27/2010 2:54pm:**  
[H.AMDT.658](#) Amendments en bloc (A005) offered by Mr. Skelton. (consideration: CR [H3990-4001](#); text as en bloc: CR [H3990-3997](#)) Amendments en bloc No. 1, consisting of amendments numbered 9, 10, 16, 24, 36, 63, and 70 printed in House Report 111-498.

**5/27/2010 2:54pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 20 minutes of debate on the Skelton amendments en bloc number 1.

**5/27/2010 3:20pm:**  
[H.AMDT.658](#) On agreeing to the Skelton amendments (A005) Agreed to by voice vote.

**5/27/2010 3:21pm:**  
[H.AMDT.659](#) Amendment (A006) offered by Mr. McGovern. (consideration: CR [H4001-4003](#), [H4014-4015](#); text: CR [H44001](#)) Amendment includes a sense of Congress stating that hunger and obesity are impairing military recruitment and must be properly addressed.

**5/27/2010 3:21pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the McGovern amendment number 13.

**5/27/2010 3:33pm:**  
POSTPONED PROCEEDINGS - At the conclusion of debate on the McGovern amendment number 13, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. McGovern demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 3:33pm:**  
[H.AMDT.660](#) Amendments en bloc (A007) offered by Mr. Skelton. (consideration: CR [H4003-4008](#); text as en bloc: CR [H4003-4004](#)) Amendments en bloc No. 2 consisting of amendments numbered 20, 22, 23, 26, 27, and 45 printed in House Report 111-498.

**5/27/2010 3:34pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 20 minutes of debate on the Skelton amendments en bloc number 2.

**5/27/2010 3:59pm:**  
[H.AMDT.660](#) On agreeing to the Skelton amendments (A007) Agreed to by voice vote.

**5/27/2010 4:01pm:**  
[H.AMDT.661](#) Amendment (A008) offered by Ms. Pingree (ME). (consideration: CR [H4008-4011](#), CR 5/28/2010 [H4062](#); text: CR [H4008](#)) Amendment sought to strike funding for the Joint Strike Fighter's Alternate Engine Program.

**5/27/2010 4:01pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the Pingree amendment No. 80.

**5/27/2010 4:17pm:**  
POSTPONED PROCEEDINGS - At the conclusion of debate on the Pingree amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Pingree demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 4:17pm:**  
[H.AMDT.662](#) Amendment (A009) offered by Mr. Inslee. (consideration: CR [H4011-4013](#), CR 5/28/2010 [H4060](#); text: CR [H4011](#)) Amendment requires the Department of Defense to take into consideration during the KC-X or any successor aerial tanker replacement program, any unfair competitive advantage an offeror may possess and to report any such unfair competitive advantage to Congressional defense committees within 60 days of bid submissions.

**5/27/2010 4:18pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the Inslee amendment No. 82.

**5/27/2010 4:31pm:**  
POSTPONED PROCEEDINGS - At the conclusion of debate on the Inslee amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Inslee demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 5:03pm:**  
[H.AMDT.654](#) On agreeing to the Skelton amendment (A001) Agreed to by recorded vote: 421 - 0 ([Roll no. 310](#)).

**5/27/2010 5:11pm:**  
[H.AMDT.657](#) On agreeing to the Marshall amendment (A004) Agreed to by recorded vote: 423 - 0 ([Roll no. 311](#)).

**5/27/2010 5:20pm:**  
[H.AMDT.659](#) On agreeing to the McGovern amendment (A006) Agreed to by recorded vote: 341 - 85 ([Roll no. 312](#)).

**5/27/2010 5:22pm:**  
[H.AMDT.663](#) Amendments en bloc (A010) offered by Mr. Andrews. (consideration: CR [H4015-4019](#); text as en bloc: CR [H4015-4016](#)) Amendments en bloc No. 3 consisting of amendments numbered 29, 34, 40, 46, 48, 52, and 54 printed in House Report 111-498.

**5/27/2010 5:23pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 20 minutes of debate on the Andrews en bloc amendments No. 3

**5/27/2010 5:50pm:**  
[H.AMDT.663](#) On agreeing to the Andrews amendments (A010) Agreed to by voice vote.

**5/27/2010 5:50pm:**  
[H.AMDT.664](#) Amendments en bloc (A011) offered by Mr. Andrews. (consideration: CR 5/28/2010 [H4026-4031](#); text as en bloc: CR 5/28/2010 [H4026-4027](#)) Amendments en bloc No. 4 consisting of amendments numbered 12, 17, 18, as modified; 25, 28, 35, 37, and 44 printed in House Report 111-498.

**5/27/2010 5:50pm:**  
DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 20 minutes of debate on the Andrews en bloc

amendments No. 4.

**5/27/2010 6:02pm:**

ORDER OF PROCEDURE - Pursuant to section 4 of [H. Res. 1404](#), Mr. Skelton gave notice that amendments numbered 15 and 62 may be offered out of order.

**5/27/2010 6:03pm:**

The Committee of the Whole resumed debate on the Andrews en bloc amendments No. 4.

**5/27/2010 6:12pm:**

ORDER OF PROCEDURE - Pursuant to section 4 of [H. Res. 1404](#), Mr. Skelton gave notice that amendments numbered 68 and 81 may be offered out of order.

**5/27/2010 6:13pm:**

The Committee of the Whole resumed debate on the Andrews en bloc amendments No. 4.

**5/27/2010 6:16pm:**

[H.AMDT.664](#) On agreeing to the Andrews amendments (A011) Agreed to by voice vote.

**5/27/2010 6:17pm:**

[H.AMDT.665](#) Amendment (A012) offered by Mr. Gutierrez. (consideration: CR 5/28/2010 [H4031-4032](#), [H4060-4061](#); text: CR 5/28/2010 [H4031](#)) Amendment stipulates that, should the Secretary of Defense determine that BP or its subsidiaries performing any contract with the Department are no longer a "responsible source", the Secretary shall consider debarring BP or its subsidiaries from contracting with the Department no later than 90 days after making such determination.

**5/27/2010 6:17pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 10 minutes of debate on the Gutierrez amendment No. 21.

**5/27/2010 6:23pm:**

POSTPONED PROCEEDINGS - At the conclusion of debate on the Gutierrez amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Gutierrez demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 6:23pm:**

[H.AMDT.666](#) Amendment (A013) offered by Ms. Eshoo. (consideration: CR 5/28/2010 [H4032-4035](#), [H4061-4062](#); text: CR 5/28/2010 [H4032-4033](#))

Amendment requires the DNI to cooperate with GAO inquiries that are initiated by Committees; allows all committees of jurisdiction to request that GAO perform audits of the intelligence community; allows the DNI to designate certain reports or portions of reports as sources and methods sensitive or reportable only to the intelligence committees and requiring that those reports or portions would go only to the intelligence committees; and establishes certain procedures to ensure that GAO safeguards information.

**5/27/2010 6:23pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#) the Committee of the Whole proceeded with 10 minutes of debate on the Eshoo amendment No. 42.

**5/27/2010 6:38pm:**

POSTPONED PROCEEDINGS - At the conclusion of debate on the Eshoo amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Thorberry demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 6:39pm:**

[H.AMDT.667](#) Amendment (A014) offered by Mr. Sarbanes. (consideration: CR 5/28/2010 [H4035-4038](#), [H4063-4064](#); text: CR 5/28/2010 [H4035-4037](#))

Amendment requires non-Defense agencies to establish contractor inventories and insourcing programs to mirror current law for the Department of Defense; prevents agencies from establishing any numerical goal, target, or quota for the conversion to performance by Federal employees; and requires OMB to report to Congress on agency insourcing policies and GAO to evaluate OMB reporting.

**5/27/2010 6:39pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 10 minutes of debate on the Sarbanes amendment No. 47.

**5/27/2010 6:50pm:**

POSTPONED PROCEEDINGS - At the conclusion of debate on the Sarbanes amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Issa demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 6:51pm:**

[H.AMDT.668](#) Amendments en bloc (A015) offered by Mr. Andrews. (consideration: CR 5/28/2010 [H4038-4043](#); text as en bloc: CR 5/28/2010 [H4038-4040](#))

Amendments en bloc No. 5 consisting of amendments numbered 5, 6, 7, 11, 14, 19, 31, and 33 printed in House Report 111-498.

**5/27/2010 6:51pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 20 minutes of debate on the Andrews en bloc amendments No. 5.

**5/27/2010 7:12pm:**

[H.AMDT.668](#) On agreeing to the Andrews amendments (A015) Agreed to by voice vote.

**5/27/2010 7:12pm:**

ORDER OF PROCEDURE - Pursuant to section 4 of [H. Res. 1404](#), Mr. Andrews gave notice that amendment numbered 79 may be offered out of order.

**5/27/2010 7:13pm:**

[H.AMDT.669](#) Amendments en bloc (A016) offered by Mr. Andrews. (consideration: CR 5/28/2010 [H4043-4048](#); text as en bloc: CR 5/28/2010 [H4043-4045](#))

Amendments en bloc No. 6 consisting of amendments numbered 39, 41, 43, 50, as modified; 51, and 57 printed in House Report 111-498.

**5/27/2010 7:13pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 20 minutes of debate on the Andrews en bloc amendments No. 6.

**5/27/2010 7:40pm:**

[H.AMDT.669](#) On agreeing to the Andrews amendments (A016) Agreed to by voice vote.

**5/27/2010 7:40pm:**

[H.AMDT.670](#) Amendment (A017) offered by Mr. McMahon. (consideration: CR 5/28/2010 [H4048-4050](#); text: CR 5/28/2010 [H4048-4049](#))

Amendment expresses the sense of Congress regarding the implementation of the Congressionally-mandated recommendations of the Institute of

Medicine study.

**5/27/2010 7:41pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 10 minutes of debate on the McMahon

amendment No. 62.

**5/27/2010 7:51pm:**

[H.AMDT.670](#) On agreeing to the McMahon amendment (A017) Agreed to by voice vote.

**5/27/2010 7:52pm:**

[H.AMDT.671](#) Amendments en bloc (A018) offered by Mr. Skelton. (consideration: CR 5/28/2010 [H4050-4055](#); text as en bloc: CR 5/28/2010 [H4050-4051](#))

Amendments en bloc No. 7 consisting of amendments numbered 38, 49, 53, 60, 72, 73, and 75 printed in House Report 111-498.

**5/27/2010 7:52pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 20 minutes of debate on the Skelton en bloc amendments No. 7.

**5/27/2010 8:28pm:**

[H.AMDT.671](#) On agreeing to the Skelton amendments (A018) Agreed to by voice vote.

**5/27/2010 8:29pm:**

[H.AMDT.672](#) Amendment (A019) offered by Mr. Murphy, Patrick. (consideration: CR 5/28/2010 [H4055-4056](#), [H4062-4063](#); text: CR 5/28/2010 [H4055-4056](#))

Amendment repeals "Don't Ask Don't Tell" only after: (1) receipt of the recommendations of the Pentagon's Comprehensive Review Working Group on how to implement a repeal of DADT (due December 1, 2010) and (2) a certification by the Secretary of Defense, Chairman of the Joint Chiefs and President that repeal is first, consistent with military readiness, military effectiveness, unit cohesion & recruiting, and second, that the DoD has prepared the necessary policies and regulations to implement its repeal. The amendment also includes a 60 day period after certification before the repeal takes effect.

**5/27/2010 8:29pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 10 minutes of debate on the Patrick Murphy (PA) amendment No. 79.

**5/27/2010 8:51pm:**

POSTPONED PROCEEDINGS - At the conclusion of debate on the Patrick Murphy (PA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. McKeon demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

**5/27/2010 8:52pm:**

UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.

**5/27/2010 9:18pm:**

[H.AMDT.662](#) On agreeing to the Inslee amendment (A009) Agreed to by recorded vote: 410 - 8 ([Roll no. 313](#)).

**5/27/2010 9:26pm:**

[H.AMDT.665](#) On agreeing to the Gutierrez amendment (A012) Agreed to by recorded vote: 372 - 52 ([Roll no. 314](#)).

**5/27/2010 9:35pm:**

[H.AMDT.666](#) On agreeing to the Eshoo amendment (A013) Agreed to by recorded vote: 218 - 210 ([Roll no. 315](#)).

**5/27/2010 9:51pm:**

[H.AMDT.661](#) On agreeing to the Pingree (ME) amendment (A008) Failed by recorded vote: 193 - 231, 3 Present ([Roll no. 316](#)).

**5/27/2010 10:08pm:**

[H.AMDT.672](#) On agreeing to the Murphy, Patrick amendment (A019) Agreed to by recorded vote: 234 - 194 ([Roll no. 317](#)).

**5/27/2010 10:16pm:**

[H.AMDT.667](#) On agreeing to the Sarbanes amendment (A014) Agreed to by recorded vote: 253 - 172 ([Roll no. 318](#)).

**5/27/2010 10:16pm:**

Mr. Skelton moved that the Committee now rise.

**5/27/2010 10:17pm:**

On motion that the Committee now rise Agreed to by voice vote.

**5/27/2010 10:17pm:**

Committee of the Whole House on the state of the Union rises leaving [H.R. 5136](#) as unfinished business.

**5/27/2010 10:18pm:**

Considered as unfinished business. (consideration: CR 5/28/2010 [H4064-4076](#))

**5/27/2010 10:18pm:**

The House resolved into Committee of the Whole House on the state of the Union for further consideration.

**5/27/2010 10:19pm:**

[H.AMDT.673](#) Amendments en bloc (A020) offered by Mr. Skelton. (consideration: CR 5/28/2010 [H4064-4067](#); text as en bloc: CR 5/28/2010 [H4064-4066](#))

Amendments en bloc No. 8, consisting of amendments numbered 56, 58, 59, 65, 69, 71, 76, and 78 printed in House Report 111-498.

**5/27/2010 10:20pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 20 minutes of debate on the Skelton en bloc amendments No. 8.

**5/27/2010 10:31pm:**

[H.AMDT.673](#) On agreeing to the Skelton amendments (A020) Agreed to by voice vote.

**5/27/2010 10:32pm:**

[H.AMDT.674](#) Amendment (A021) offered by Mr. Teague. (consideration: CR 5/28/2010 [H4067-4068](#); text: CR 5/28/2010 [H4067](#))  
Amendment provides health insurance to dependents of permanently and totally disabled veterans, as well as veterans who died from service connected disabilities, through the age of 26.

**5/27/2010 10:32pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 10 minutes of debate on the Teague amendment No. 68.

**5/27/2010 10:35pm:**

[H.AMDT.674](#) On agreeing to the Teague amendment (A021) Agreed to by voice vote.

**5/27/2010 10:35pm:**

[H.AMDT.675](#) Amendment (A022) offered by Ms. Shea-Porter. (consideration: CR 5/28/2010 [H4068](#); text: CR 5/28/2010 [H4068](#))

Amendment requires a penalty for prime contractors that do not provide information to databases on contracts in Iraq and Afghanistan by withholding award and incentive fee payments and it adds a reporting requirement.

**5/27/2010 10:35pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 10 minutes of debate on the Shea-Porter amendment No. 81.

**5/27/2010 10:38pm:**

POSTPONED PROCEEDINGS - At the conclusion of debate on the Shea-Porter amendment, the Chair put the question on adoption of the

amendment and by voice vote, announced that the ayes had prevailed. Ms. Shea-Porter demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.

**5/27/2010 10:39pm:**

[H.AMDT.676](#) Amendments en bloc (A023) offered by Mr. Skelton. (consideration: CR 5/28/2010 [H4068-4076](#); text as en bloc: CR 5/28/2010 [H4068-4073](#))

Amendments en bloc No.9, consisting of amendments numbered 8, 15, 30, 32, 55, 61, 64, 66, 67, 74, and 77 printed in House Report 111-498.

**5/27/2010 10:39pm:**

DEBATE - Pursuant to the provisions of [H.Res. 1404](#), the Committee of the Whole proceeded with 20 minutes of debate on the Skelton en bloc amendments No. 9.

**5/27/2010 11:03pm:**

POSTPONED PROCEEDINGS - At the conclusion of debate on the Skelton en bloc amendments, the Chair put the question on adoption of the amendments and by voice vote, announced that the ayes had prevailed. Mr. Skelton demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.

**5/27/2010 11:03pm:**

Mr. Skelton moved that the Committee now rise.

**5/27/2010 11:03pm:**

On motion that the Committee now rise Agreed to by voice vote.

**5/27/2010 11:04pm:**

Committee of the Whole House on the state of the Union rises leaving [H.R. 5136](#) as unfinished business.

**5/28/2010 3:01pm:**

Considered as unfinished business. (consideration: CR [H4194-4199](#))

**5/28/2010 3:02pm:**

The House resolved into Committee of the Whole House on the state of the Union for further consideration.

**5/28/2010 3:02pm:**

UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of the Skelton en bloc amendment numbered 9 which had been debated earlier and on which further proceedings had been postponed.

**5/28/2010 3:03pm:**

Mr. Skelton asked unanimous consent that the demand for a recorded vote on the Shea-Porter amendment numbered 81 be withdrawn. Agreed to without objection.

**5/28/2010 3:03pm:**

[H.AMDT.675](#) On agreeing to the Shea-Porter amendment (A022) Agreed to by voice vote.

**5/28/2010 3:20pm:**

[H.AMDT.676](#) On agreeing to the Skelton amendments (A023) Agreed to by recorded vote: 416 - 1 ([Roll no. 333](#)). (consideration: CR [H4194-4195](#))

**5/28/2010 3:20pm:**

The House rose from the Committee of the Whole House on the state of the Union to report [H.R. 5136](#).

**5/28/2010 3:20pm:**

The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR 5/27/2010 [H3900-3984](#))

**5/28/2010 3:21pm:**

Mrs. Bachmann moved to recommit with instructions to Armed Services. (consideration: CR [H4195-4197](#); text: CR [H4195](#))

**5/28/2010 3:22pm:**

Mr. Skelton raised a point of order against the motion to recommit with instructions. Mr.Skelton stated that the motion was not germane to the bill Sustained by the Chair.

**5/28/2010 3:22pm:**

Point of order sustained against the motion to recommit with instructions.

**5/28/2010 3:28pm:**

Mrs. Bachmann appealed the ruling of the chair. The question was then put on sustaining the ruling of the chair.

**5/28/2010 3:28pm:**

Mr. Skelton moved to table the motion to appeal the ruling of the chair

**5/28/2010 3:45pm:**

On motion to table the motion to appeal the ruling of the chair Agreed to by recorded vote: 227 - 183 ([Roll no. 334](#)).

**5/28/2010 3:46pm:**

Mr. Forbes moved to recommit with instructions to Armed Services. (consideration: CR [H4197-4198](#); text: CR [H4197](#))

**5/28/2010 3:47pm:**

DEBATE - The House proceeded with 10 minutes of debate on the Forbes motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to prohibit the use of funds for the transfer or release of individuals detained at United States Station, Guantanamo Bay, Cuba.

**5/28/2010 3:53pm:**

The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR [H4198](#))

**5/28/2010 4:09pm:**

On motion to recommit with instructions Agreed to by recorded vote: 282 - 131 ([Roll no. 335](#)).

**5/28/2010 4:09pm:**

[H.AMDT.679](#) Amendment (A024) offered by Mr. Skelton. (consideration: CR [H4198](#); text: CR [H4198](#))

See Forbes motion to recommit with instructions for amendment explanation.

**5/28/2010 4:10pm:**

[H.AMDT.679](#) On agreeing to the Skelton amendment (A024) Agreed to by voice vote.

**5/28/2010 4:18pm:**

On passage Passed by recorded vote: 229 - 186 ([Roll no. 336](#)).

**5/28/2010 4:18pm:**

Motion to reconsider laid on the table Agreed to without objection.

**5/28/2010 4:18pm:**

The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of [H.R. 5136](#). (consideration: CR [H4200](#))

**6/8/2010 2:03pm:**

The title of the measure was amended. Agreed to without objection.

**6/9/2010:**

Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 423.

**6/24/2010:**

Senate returned papers to House by Unanimous Consent. (consideration: CR [S5456](#))



**6/25/2010:**

Message on Senate action sent to the House.

**6/25/2010 4:02pm:**

Papers returned to House pursuant to H. Res. 1467

**6/28/2010:**

Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 447.

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**TITLE(S):** (*italics indicate a title for a portion of a bill*)

- **SHORT TITLE(S) AS INTRODUCED:**  
National Defense Authorization Act for Fiscal Year 2011  
*Military Construction Authorization Act for Fiscal Year 2011*
- **SHORT TITLE(S) AS REPORTED TO HOUSE:**  
National Defense Authorization Act for Fiscal Year 2011  
*Military Construction Authorization Act for Fiscal Year 2011*
- **SHORT TITLE(S) AS PASSED HOUSE:**  
National Defense Authorization Act for Fiscal Year 2011  
**Guam World War II Loyalty Recognition Act**  
*Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010*  
*Military Construction Authorization Act for Fiscal Year 2011*
- **OFFICIAL TITLE AS INTRODUCED:**  
To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.
- **OFFICIAL TITLE AS AMENDED BY HOUSE:**  
To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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**COSPONSORS(1), ALPHABETICAL** [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Rep McKeon, Howard P. "Buck"](#) [CA-25] - 4/26/2010

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**COMMITTEE(S):**

<b>Committee/Subcommittee:</b>	<b>Activity:</b>
<a href="#">House Armed Services</a>	Referral, Reporting
<a href="#">Subcommittee on Terrorism, Unconventional Threats and Capabilities</a>	Referral, Markup, Reporting
<a href="#">Subcommittee on Air and Land Forces</a>	Referral, Markup, Reporting
<a href="#">Subcommittee on Military Personnel</a>	Referral, Markup, Reporting
<a href="#">Subcommittee on Readiness</a>	Referral, Markup, Reporting
<a href="#">Subcommittee on Seapower and Expeditionary Forces</a>	Referral, Markup, Reporting
<a href="#">Subcommittee on Strategic Forces</a>	Referral, Markup, Reporting
<a href="#">House Homeland Security</a>	Other legislative involvement

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**RELATED BILL DETAILS: (additional related bills may be identified in Status)**

<b>Bill:</b>	<b>Relationship:</b>
<a href="#">H.RES.1404</a>	Rule related to H.R.5136 in House
<a href="#">H.RES.1467</a>	Related bill as identified by the House Clerk's office
<a href="#">H.RES.1467</a>	This bill caused other related action on H.R.5136
<a href="#">H.R.5013</a>	Related bill as identified by the House Clerk's office
<a href="#">S.3454</a>	Related bill as identified by the House Clerk's office

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**AMENDMENT(S):**

1. [H.AMDT.654](#) to [H.R.5136](#) Amendment makes a variety of technical corrections in the bill.  
**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Skelton amendment (A001) Agreed to by recorded vote: 421 - 0 (Roll no. 310).
2. [H.AMDT.655](#) to [H.R.5136](#) Amendment prohibits funds from being obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made on a full and open competition.  
**Sponsor:** [Rep Bartlett, Roscoe G.](#) [MD-6] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Bartlett amendment (A002) Agreed to by voice vote.
3. [H.AMDT.656](#) to [H.R.5136](#) Amendment ensures that the spouse, children and parents of a deployed or deploying member of the Armed Forces, who are not covered under the Family Medical Leave Act, have the ability to take at least two weeks of unpaid leave from their job in order to address issues that arise over the course of a deployment cycle.

**Sponsor:** [Rep Smith, Adam](#) [WA-9] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Smith (WA) amendment (A003) Agreed to by voice vote.

4. [H.AMDT.657](#) to [H.R.5136](#) An amendment numbered 4 printed in House Report 111-498 to express the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.  
**Sponsor:** [Rep Marshall, Jim](#) [GA-8] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Marshall amendment (A004) Agreed to by recorded vote: 423 - 0 (Roll no. 311).

5. [H.AMDT.658](#) to [H.R.5136](#) Amendments en bloc No. 1, consisting of amendments numbered 9, 10, 16, 24, 36, 63, and 70 printed in House Report 111-498.  
**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Skelton amendments (A005) Agreed to by voice vote.

6. [H.AMDT.659](#) to [H.R.5136](#) Amendment includes a sense of Congress stating that hunger and obesity are impairing military recruitment and must be properly addressed.  
**Sponsor:** [Rep McGovern, James P.](#) [MA-3] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the McGovern amendment (A006) Agreed to by recorded vote: 341 - 85 (Roll no. 312).

7. [H.AMDT.660](#) to [H.R.5136](#) Amendments en bloc No. 2 consisting of amendments numbered 20, 22, 23, 26, 27, and 45 printed in House Report 111-498.  
**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Skelton amendments (A007) Agreed to by voice vote.

8. [H.AMDT.661](#) to [H.R.5136](#) Amendment sought to strike funding for the Joint Strike Fighter's Alternate Engine Program.  
**Sponsor:** [Rep Pingree, Chellie](#) [ME-1] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment not agreed to. Status: On agreeing to the Pingree (ME) amendment (A008) Failed by recorded vote: 193 - 231, 3 Present (Roll no. 316).

9. [H.AMDT.662](#) to [H.R.5136](#) Amendment requires the Department of Defense to take into consideration during the KC-X or any successor aerial tanker replacement program, any unfair competitive advantage an offeror may possess and to report any such unfair competitive advantage to Congressional defense committees within 60 days of bid submissions.  
**Sponsor:** [Rep Inslee, Jay](#) [WA-1] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Inslee amendment (A009) Agreed to by recorded vote: 410 - 8 (Roll no. 313).

10. [H.AMDT.663](#) to [H.R.5136](#) Amendments en bloc No. 3 consisting of amendments numbered 29, 34, 40, 46, 48, 52, and 54 printed in House Report 111-498.  
**Sponsor:** [Rep Andrews, Robert E.](#) [NJ-1] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Andrews amendments (A010) Agreed to by voice vote.

11. [H.AMDT.664](#) to [H.R.5136](#) Amendments en bloc No. 4 consisting of amendments numbered 12, 17, 18, as modified; 25, 28, 35, 37, and 44 printed in House Report 111-498.  
**Sponsor:** [Rep Andrews, Robert E.](#) [NJ-1] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Andrews amendments (A011) Agreed to by voice vote.

12. [H.AMDT.665](#) to [H.R.5136](#) Amendment stipulates that, should the Secretary of Defense determine that BP or its subsidiaries performing any contract with the Department are no longer a "responsible source", the Secretary shall consider debarring BP or its subsidiaries from contracting with the Department no later than 90 days after making such determination.  
**Sponsor:** [Rep Gutierrez, Luis V.](#) [IL-4] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Gutierrez amendment (A012) Agreed to by recorded vote: 372 - 52 (Roll no. 314).

13. [H.AMDT.666](#) to [H.R.5136](#) Amendment requires the DNI to cooperate with GAO inquiries that are initiated by Committees; allows all committees of jurisdiction to request that GAO perform audits of the intelligence community; allows the DNI to designate certain reports or portions of reports as sources and methods sensitive or reportable only to the intelligence committees and requiring that those reports or portions would go only to the intelligence committees; and establishes certain procedures to ensure that GAO safeguards information.  
**Sponsor:** [Rep Eshoo, Anna G.](#) [CA-14] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Eshoo amendment (A013) Agreed to by recorded vote: 218 - 210 (Roll no. 315).

14. [H.AMDT.667](#) to [H.R.5136](#) Amendment requires non-Defense agencies to establish contractor inventories and insourcing programs to mirror current law for the Department of Defense; prevents agencies from establishing any numerical goal, target, or quota for the conversion to performance by Federal employees; and requires OMB to report to Congress on agency insourcing policies and GAO to evaluate OMB reporting.  
**Sponsor:** [Rep Sarbanes, John P.](#) [MD-3] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Sarbanes amendment (A014) Agreed to by recorded vote: 253 - 172 (Roll no. 318).

15. [H.AMDT.668](#) to [H.R.5136](#) Amendments en bloc No. 5 consisting of amendments numbered 5, 6, 7, 11, 14, 19, 31, and 33 printed in House Report 111-498.  
**Sponsor:** [Rep Andrews, Robert E.](#) [NJ-1] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Andrews amendments (A015) Agreed to by voice vote.

16. [H.AMDT.669](#) to [H.R.5136](#) Amendments en bloc No. 6 consisting of amendments numbered 39, 41, 43, 50, as modified; 51, and 57 printed in House Report 111-498.  
**Sponsor:** [Rep Andrews, Robert E.](#) [NJ-1] (introduced 5/27/2010) **Cosponsors** (None)  
**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Andrews amendments (A016) Agreed to by voice vote.

17. [H.AMDT.670](#) to [H.R.5136](#) Amendment expresses the sense of Congress regarding the implementation of the Congressionally-mandated recommendations of the Institute of Medicine study.



**Sponsor:** [Rep McMahon, Michael E.](#) [NY-13] (introduced 5/27/2010) **Cosponsors** (None)

**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the McMahon amendment (A017) Agreed to by voice vote.

**18. [H.AMDT.671](#) to [H.R.5136](#)** Amendments en bloc No. 7 consisting of amendments numbered 38, 49, 53, 60, 72, 73, and 75 printed in House Report 111-498.

**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (introduced 5/27/2010) **Cosponsors** (None)

**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Skelton amendments (A018) Agreed to by voice vote.

**19. [H.AMDT.672](#) to [H.R.5136](#)** Amendment repeals "Don't Ask Don't Tell" only after: (1) receipt of the recommendations of the Pentagon's Comprehensive Review Working Group on how to implement a repeal of DADT (due December 1, 2010) and (2) a certification by the Secretary of Defense, Chairman of the Joint Chiefs and President that repeal is first, consistent with military readiness, military effectiveness, unit cohesion & recruiting, and second, that the DoD has prepared the necessary policies and regulations to implement its repeal. The amendment also includes a 60 day period after certification before the repeal takes effect.

**Sponsor:** [Rep Murphy, Patrick J.](#) [PA-8] (introduced 5/27/2010) **Cosponsors** (None)

**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Murphy, Patrick amendment (A019) Agreed to by recorded vote: 234 - 194 (Roll no. 317).

**20. [H.AMDT.673](#) to [H.R.5136](#)** Amendments en bloc No. 8, consisting of amendments numbered 56, 58, 59, 65, 69, 71, 76, and 78 printed in House Report 111-498.

**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (introduced 5/27/2010) **Cosponsors** (None)

**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Skelton amendments (A020) Agreed to by voice vote.

**21. [H.AMDT.674](#) to [H.R.5136](#)** Amendment provides health insurance to dependents of permanently and totally disabled veterans, as well as veterans who died from service connected disabilities, through the age of 26.

**Sponsor:** [Rep Teague, Harry](#) [NM-2] (introduced 5/27/2010) **Cosponsors** (None)

**Latest Major Action:** 5/27/2010 House amendment agreed to. Status: On agreeing to the Teague amendment (A021) Agreed to by voice vote.

**22. [H.AMDT.675](#) to [H.R.5136](#)** Amendment requires a penalty for prime contractors that do not provide information to databases on contracts in Iraq and Afghanistan by withholding award and incentive fee payments and it adds a reporting requirement.

**Sponsor:** [Rep Shea-Porter, Carol](#) [NH-1] (introduced 5/27/2010) **Cosponsors** (None)

**Latest Major Action:** 5/28/2010 House amendment agreed to. Status: On agreeing to the Shea-Porter amendment (A022) Agreed to by voice vote.

**23. [H.AMDT.676](#) to [H.R.5136](#)** Amendments en bloc No.9, consisting of amendments numbered 8, 15, 30, 32, 55, 61, 64, 66, 67, 74, and 77 printed in House Report 111-498.

**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (introduced 5/27/2010) **Cosponsors** (None)

**Latest Major Action:** 5/28/2010 House amendment agreed to. Status: On agreeing to the Skelton amendments (A023) Agreed to by recorded vote: 416 - 1 (Roll no. 333).

**24. [H.AMDT.679](#) to [H.R.5136](#)** See Forbes motion to recommit with instructions for amendment explanation.

**Sponsor:** [Rep Skelton, Ike](#) [MO-4] (introduced 5/28/2010) **Cosponsors** (None)

**Latest Major Action:** 5/28/2010 House amendment agreed to. Status: On agreeing to the Skelton amendment (A024) Agreed to by voice vote.

**25. [S.AMDT.4623](#) to [H.R.5136](#)** Purpose will be available when the amendment is proposed for consideration. See Congressional Record for text.

**Sponsor:** [Sen Inhofe, James M.](#) [OK] (introduced 9/20/2010) **Cosponsors** (None)

**Latest Major Action:** 9/20/2010 Senate amendment submitted

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