

JOINT EXPLANATORY STATEMENT OF THE COMMITTEES ON ARMED SERVICES

OF THE U.S. SENATE AND HOUSE OF REPRESENTATIVES

ON H.R. 6523,

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT

FOR FISCAL YEAR 2011

DECEMBER 22, 2010

Explanation of funding summary

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

The agreement authorizes \$724.6 billion national defense discretionary programs and includes \$548.2 billion for the base budget of the Department of Defense, \$158.7 billion for overseas contingency operations, and \$17.7 billion for national security programs in the Department of Energy.

The following table lists the discretionary authorizations in the agreement.

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)

Request Authorization

National Defense Function (050) Funding, Base Budget

Function 051, Department of Defense-Military

Division A: Department of Defense Authorizations

Title I - Procurement

Aircraft Procurement, Army	5,976,867	5,908,384
Missile Procurement, Army	1,887,437	1,670,463
Weapons & Tracked Combat Vehicles, Army	1,723,561	1,656,263
Procurement of Ammunition, Army	1,979,414	1,953,194
Other Procurement, Army	9,765,808	9,758,965
Joint Improvised Explosive Device Defeat Fund	215,868	0
Aircraft Procurement, Navy	18,508,613	18,877,139
Weapons Procurement, Navy	3,359,794	3,358,264
Shipbuilding & Conversion, Navy	15,724,520	15,724,520
Procurement of Ammunition, Navy & Marine Corps	817,991	817,991
Other Procurement, Navy	6,450,208	6,381,815
Procurement, Marine Corps	1,344,044	1,296,838
Aircraft Procurement, Air Force	15,366,508	14,668,408
Procurement of Ammunition, Air Force	667,420	672,420
Missile Procurement, Air Force	5,463,272	5,444,464
Other Procurement, Air Force	17,845,380	17,845,342
Procurement, Defense-Wide	4,280,368	4,398,168
Subtotal, Title I - Procurement	111,377,073	110,432,638

Title II - Research, Development, Test and Evaluation

Research, Development, Test & Evaluation, Army	10,333,392	10,093,704
Research, Development, Test & Evaluation, Navy	17,693,496	17,881,008
Research, Development, Test & Evaluation, Air Force	27,247,302	27,319,627
Research, Development, Test & Evaluation, Defense-Wide	20,661,600	21,097,666
Operational Test & Evaluation, Defense	194,910	194,910
Subtotal, Title II - Research, Development, Test and Evaluation	76,130,700	76,586,915

Title III - Operation and Maintenance

Operation & Maintenance, Army	33,971,965	33,921,165
Operation & Maintenance, Navy	38,134,308	38,232,943
Operation & Maintenance, Marine Corps	5,590,340	5,590,340
Operation & Maintenance, Air Force	36,844,512	36,822,516
Operation & Maintenance, Defense-Wide	30,583,896	30,562,619
Operation & Maintenance, Army Reserve	2,879,077	2,879,077
Operation & Maintenance, Navy Reserve	1,367,764	1,367,764
Operation & Maintenance, Marine Corps Reserve	285,234	285,234
Operation & Maintenance, Air Force Reserve	3,301,035	3,403,827
Operation & Maintenance, Army National Guard	6,572,704	6,621,704
Operation & Maintenance, Air National Guard	5,941,143	6,042,239

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
US Court of Appeals for the Armed Forces, Defense	14,068	14,068
Overseas Humanitarian, Disaster and Civic Aid	108,032	108,032
Cooperative Threat Reduction	522,512	522,512
Defense Acquisition Development Workforce Fund	217,561	217,561
Environmental Restoration, Army	444,581	444,581
Environmental Restoration, Navy	304,867	304,867
Environmental Restoration, Air Force	502,653	502,653
Environmental Restoration, Defense	10,744	10,744
Environmental Restoration, Formerly Used Sites	276,546	296,546
Overseas Contingency Operations Transfer Fund	5,000	0
Subtotal, Title III - Operation and Maintenance	167,878,542	168,150,992
Title IV - Military Personnel		
Military Personnel Appropriations	138,540,700	138,540,700
Subtotal, Title IV - Military Personnel	138,540,700	138,540,700
Title XIV - Other Authorizations		
Working Capital Fund, Army	54,636	54,636
Working Capital Fund, Air Force	66,861	66,861
Working Capital Fund, Defense-Wide	39,468	39,468
Working Capital Fund, DECA	1,273,571	1,273,571
National Defense Sealift Fund	934,866	934,866
Defense Coalition Support, Defense	10,000	0
Defense Health Program	30,935,111	30,959,611
Chemical Agents & Munitions Destruction	1,467,307	1,467,307
Drug Interdiction and Counter Drug Activities	1,131,351	1,160,851
Office of the Inspector General	283,354	317,154
Subtotal, Title XIV - Other Authorizations	36,196,525	36,274,325
Subtotal, Division A: Department of Defense Authorizations	530,123,540	529,985,570
Division B: Military Construction Authorizations		
Military Construction		
Military Construction, Army	4,078,798	3,954,998
Military Construction, Navy	3,879,104	3,516,173
Military Construction, Air Force	1,311,385	1,293,295
Military Construction, Defense-Wide	3,118,062	3,048,062
Chemical Demilitarization Construction, Defense	124,971	124,971
NATO Security Investment Program	258,884	258,884
Military Construction, Army National Guard	873,664	873,664
Military Construction, Army Reserve	318,175	318,175
Military Construction, Naval Reserve	61,557	61,557
Military Construction, Air National Guard	176,986	194,986
Military Construction, Air Force Reserve	7,832	7,832
Subtotal, Military Construction	14,209,418	13,652,597

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
Family Housing		
Family Housing Construction, Army	92,369	92,369
Family Housing Operation And Maintenance, Army	518,140	518,140
Family Housing Construction, Navy And Marine Corps	186,444	186,444
Family Housing Operation And Maintenance, Navy And Marine C	366,346	366,346
Family Housing Construction, Air Force	78,025	78,025
Family Housing Operation And Maintenance, Air Force	513,792	513,792
Family Housing Operation And Maintenance, Defense-Wide	50,464	50,464
Homeowners Assistance Fund	16,515	16,515
DOD Family Housing Improvement Fund	1,096	1,096
Subtotal, Family Housing	1,823,191	1,823,191
Base Realignment and Closure		
Base Realignment and Closure Account 1990	360,474	360,474
Base Realignment and Closure Account 2005	2,354,285	2,354,285
Subtotal, Base Realignment and Closure	2,714,759	2,714,759
Undistributed Adjustments		
General Reductions	0	0
Prior Year Savings	0	0
Subtotal, Undistributed Adjustments	0	0
Subtotal, Division B: Military Construction Authorizations	18,747,368	18,190,547
Subtotal, 051, Department of Defense-Military	548,870,908	548,176,117
Function 053, Atomic Energy Defense Activities		
Division C: Department of Energy National Security Authorization and Other Authorizations		
Environmental and Other Defense Activities		
Energy Security and Assurance	6,188	6,188
Weapons Activities	7,008,835	7,028,835
Defense Nuclear Nonproliferation	2,687,167	2,667,167
Naval Reactors	1,070,486	1,070,486
Office of the Administrator	448,267	448,267
Defense Environmental Cleanup	5,588,039	5,588,039
Other Defense Activities	878,209	878,209
Subtotal, Environmental and Other Defense Activities	17,687,191	17,687,191
Independent Federal Agency Authorization		
Defense Nuclear Facilities Safety Board	28,640	28,640
Subtotal, Independent Federal Agency Authorization	28,640	28,640
Subtotal, Division C: Department of Energy National Security A	17,715,831	17,715,831
Subtotal, 053, Atomic Energy Defense Activities	17,715,831	17,715,831
Total, National Defense Function (050) Funding, Base Budget	566,586,739	565,891,948
National Defense Function (050) Funding, OCO Budget		
Function 051, Department of Defense-Military		
Overseas Contingency Operations		

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
Procurement		
Aircraft Procurement, Army	1,373,803	1,373,803
Missile Procurement, Army	343,828	343,828
Weapons & Tracked Combat Vehicles, Army	687,500	687,500
Procurement of Ammunition, Army	702,591	384,441
Other Procurement, Army	5,827,274	5,827,274
Joint Improvised Explosive Device Defeat Fund	3,250,000	3,465,868
Aircraft Procurement, Navy	420,358	420,358
Weapons Procurement, Navy	93,425	93,425
Procurement of Ammunition, Navy & Marine Corps	565,084	565,084
Other Procurement, Navy	480,735	480,735
Procurement, Marine Corps	1,778,243	1,705,069
Aircraft Procurement, Air Force	1,362,420	1,096,520
Procurement of Ammunition, Air Force	292,959	292,959
Missile Procurement, Air Force	56,621	56,621
Other Procurement, Air Force	3,087,481	2,992,681
Procurement, Defense-Wide	874,546	844,546
Mine Resistant Ambush Protection Vehicle Fund	3,415,000	3,415,000
National Guard & Reserve Equipment	0	700,000
Subtotal, Procurement	24,611,868	24,745,712
Research, Development, Test and Evaluation		
Research, Development, Test & Evaluation, Army	150,906	150,906
Research, Development, Test & Evaluation, Navy	60,401	60,401
Research, Development, Test & Evaluation, Air Force	266,241	266,241
Research, Development, Test & Evaluation, Defense-Wide	157,240	661,240
Subtotal, Research, Development, Test and Evaluation	634,788	1,138,788
Operation and Maintenance		
Operation & Maintenance, Army	62,602,618	63,202,618
Operation & Maintenance, Navy	8,946,634	8,692,173
Operation & Maintenance, Marine Corps	4,136,522	4,136,522
Operation & Maintenance, Air Force	13,487,283	13,487,283
Operation & Maintenance, Defense-Wide	9,426,358	9,436,358
Operation & Maintenance, Army Reserve	286,950	286,950
Operation & Maintenance, Navy Reserve	93,559	93,559
Operation & Maintenance, Marine Corps Reserve	29,685	29,685
Operation & Maintenance, Air Force Reserve	129,607	129,607
Operation & Maintenance, Army National Guard	544,349	544,349
Operation & Maintenance, Air National Guard	350,823	350,823
Afghanistan Security Forces Fund	11,619,283	11,619,283
Iraq Security Forces Fund	2,000,000	1,500,000
Overseas Contingency Operations Transfer Fund	1,551,781	506,781

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
Subtotal, Operation and Maintenance	115,205,452	114,015,991
Military Personnel		
Military Personnel Appropriations	15,275,502	15,275,502
Subtotal, Military Personnel	15,275,502	15,275,502
Other Authorizations		
Working Capital Fund, Air Force	17,000	17,000
Working Capital Fund, Defense-Wide	468,384	468,384
Defense Health Program	1,398,092	1,398,092
Drug Interdiction and Counter Drug Activities	457,110	457,110
Office of the Inspector General	10,529	10,529
Subtotal, Other Authorizations	2,351,115	2,351,115
Military Construction		
Military Construction, Army	929,996	981,346
Military Construction, Navy	0	0
Military Construction, Air Force	280,506	195,006
Military Construction, Defense-Wide	46,500	46,500
Subtotal, Military Construction	1,257,002	1,222,852
Subtotal, Overseas Contingency Operations	159,335,727	158,749,960
Subtotal, 051, Department of Defense-Military	159,335,727	158,749,960
Total, National Defense Function (050) Funding, OCO Budget	159,335,727	158,749,960
Total, National Defense	725,922,466	724,641,908

Division A-Department of Defense Authorizations

TITLE I-PROCUREMENT

Subtitle A-Authorization of Appropriations

Authorization of appropriations (secs. 101-104)

The House bill contained provisions (secs. 101-104) that would authorize appropriations for procurement for the Army, the Navy and the Marine Corps, the Air Force, and for defense-wide activities.

The Senate committee-reported bill authorized appropriations for these activities in one provision (sec. 101).

The agreement includes the House provisions with amendments to reflect the agreed authorization levels.

Subtitle B-Navy Programs

*Multiyear funding for detail design and construction of LHA
Replacement ship designated LHA-7 (sec. 111)*

The Senate committee-reported bill contained a provision (sec. 121) that would authorize the Navy to execute the contract for LHA-7 over fiscal years 2011 and 2012, subject to the availability of appropriations for that purpose in budgets after 2011.

The House bill contained a provision (sec. 121) that would provide more general authority for the Navy to incrementally fund large naval vessels.

The agreement includes the Senate committee-reported provision.

*Requirement to maintain Navy airborne signals intelligence,
surveillance, and reconnaissance capabilities (sec. 112)*

The Senate committee-reported bill contained a provision (sec. 122) that would prohibit the retirement of the EP-3E Airborne Reconnaissance Integrated Electronic System (ARIES) II fleet or the Special Projects Aircraft (SPA) until the Navy has readied replacements that are equivalent or better in terms of meeting the requirements of the combatant commanders. The

provision also would require that the Navy upgrade both aircraft systems as necessary to meet combatant command requirements.

The report accompanying the Senate committee-reported bill (S. Rept. 111-201) also expressed concern about the Navy's plan to cease operations of its Reaper unmanned aerial systems (UAS), developed under the Saber Focus program, and to transfer the aircraft to the Air Force early in calendar year 2011. These concerns have been amplified by continuing shortages of persistent intelligence, surveillance, and reconnaissance assets, especially in critical regions such as the Horn of Africa.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit the retirement of the EP-3E and SPA fleets until the commencement of the fielding of a platform or mix of platforms and sensors that are, in the aggregate, equivalent or superior to the EP-3 ARIES II (Spiral 3) or the SPA (P909) platform. The amendment also would prohibit the Secretary of the Navy from halting the operations of the Saber Focus UAS and associated ground-based capabilities and transferring the assets to the Air Force until 30 days after the Secretary of the Air Force certifies to the congressional defense committees that the Air Force is providing an equal or superior capability and capacity to the same area of operations.

Report on naval force structure and missile defense (sec. 113)

The House bill contained a provision (sec. 123) that would require the Secretary of the Navy to submit a report on naval force structure requirements related to ballistic missile defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Reports on service-life extension of F/A-18 aircraft by the Department of the Navy (sec. 114)

The Senate committee-reported bill contained a provision (sec. 123) that would require the Secretary of the Navy to conduct a business case analysis of two options: (1) conducting a service-life extension program (SLEP) for legacy F/A-18 aircraft beyond 8,600 hours; and (2) buying new F/A-18E/F aircraft. The provision also would specify the elements of that analysis. The Secretary would be required to complete that analysis and submit

it to the congressional defense committees before he could begin such a SLEP effort.

The House bill contained no similar provision.

The agreement includes the Senate committee-reported provision with an amendment that would require that the Secretary conduct a cost-benefit analysis of the two options.

Subtitle C-Joint and Multiservice Matters

Limitations on biometric systems funds (sec. 121)

The House bill contained a provision (sec. 142) that would limit the amount of funds obligated or expended for biometrics programs and operations subject to the submission of a report. In addition, there was a specific limitation on obligations or expenditures of funds unless such obligations or expenditures were approved in writing by the Under Secretary of Defense for Acquisition, Technology, and Logistics (or designee).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would eliminate the specific limitation clause.

System management plan and matrix for the F-35 Joint Strike Fighter aircraft program (sec. 122)

The Senate committee-reported bill contained a provision (sec. 141) that would require that the Secretary of Defense establish a system management plan and matrix for the F-35 Joint Strike Fighter program that would be used to measure progress in gaining maturity for the system during the remainder of the system development and demonstration (SDD) program.

The provision would look prospectively to measure progress during the remainder of the SDD program and should provide criteria and conditions for comparing documented results to expected progressive levels of demonstrated weapon system maturity in relationship to planned increases in future procurement quantities.

The House bill contained no similar provision.

The agreement includes the Senate committee-reported provision.

Quarterly reports on use of Combat Mission Requirements funds (sec. 123)

The Senate committee-reported bill contained a provision (sec. 143) that would require the Commander of the U.S. Special

Operations Command (USSOCOM) to report to the congressional defense committees quarterly on the use of Combat Mission Requirements funding. The quarterly reports would address: (1) the balance of the Combat Mission Requirements account at the beginning of the quarter; (2) the balance of the Combat Mission Requirements account at the end of the quarter; (3) any transfer of funding into or out of the Combat Mission Requirements account during the quarter (including the source of any transfer into the fund, and the objective of any transfer out of the fund); (4) a description of any Combat Mission Requirements approved for procurement and/or procured during the quarter; and (5) the amount of funds committed to each requirement.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Counter-improvised explosive device initiatives database (sec. 124)

The House bill contained a provision (sec. 143) that would direct the Secretary of Defense to direct the military services and the Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO) to create a comprehensive improvised explosive device defeat initiative database and work with JIEDDO to develop a Department of Defense-wide database for all counter-improvised explosive device initiatives.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that strikes subsection (c) of the House provision.

In creating this database, the JIEDDO Director shall determine whether a classified or unclassified database is more appropriate.

Study on lightweight body armor solutions (sec. 125)

The House bill contained a provision (sec. 144) that would direct a study to identify and examine the requirements for lighter weight body armor systems.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Integration of solid state laser systems into certain aircraft (sec. 126)

The Senate committee-reported bill contained a provision

(sec. 144) that would require the Department of Defense to conduct an analysis of the feasibility of integrating solid state laser systems into certain aircraft platforms.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Contracts for commercial imaging satellite capacities (sec. 127)

The Senate committee-reported bill contained a provision (sec. 142) that would require the Department of Defense (DOD) to procure or acquire the capacity of imaging satellites with 1.5 meter telescopes after December 31, 2010, if DOD seeks to sustain an augmentation of national overhead imagery capabilities with commercial-class electro-optical capability.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would provide the Secretary of Defense with the authority to waive the requirements of the provision if the Secretary determines that it is not in the national security interest to acquire or procure this capability.

Commercial imagery satellites are becoming a key part of the overhead imagery architecture.

Legislative Provisions Not Adopted

Report on Army battlefield network plans and programs

The House bill contained a provision (sec. 112) that would require a report and limit the obligation of procurement funds for the Army's future tactical network technology and the acquisition programs to achieve this network.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The committees on Armed Services of the Senate and the House of Representatives recognize the Army's recent efforts to adjust its tactical network plans through capability portfolio reviews, and is encouraged by the move toward a more flexible approach to communications equipment that can keep pace with private sector innovation. However, the committees remain concerned that the Army plans to continue to invest in the Network Integration Kit (NIK) for vehicles that originated in the Future Combat Systems (FCS) program. These concerns stem from the apparent contradiction between the Army's new focus on affordable and flexible network equipment and the high cost, poor reliability, and poor performance of NIK systems to date.

Specifically, the committees note that the NIK has yet to demonstrate desired performance levels in testing, has very large power, space, and cooling requirements, and is projected to cost \$450,000 each. When combined with the cost of the required Joint Tactical Radio System Ground Mobile Radio the per-vehicle cost of the NIK increases to \$970,000 - a level that may be unaffordable to procure and deploy on the scale desired. In addition, the committees note that this particular combination of computer hardware and software has never been integrated successfully into an Abrams tank or Bradley Fighting Vehicle, significantly limiting the NIK's potential utility in Heavy Brigade Combat Teams. Further, the committees are concerned that the NIK is dependent upon continued development of the System of Systems Common Operating Environment (SOSCOE) and associated applications. The committees note that, despite seven years of development and billions of dollars invested by the Army through the FCS and Early Infantry Brigade Combat Team programs, that the Army has yet to deploy a single element of SOSCOE-based software for combat operations.

The committees urge the Army to continue its communications and network capability portfolio review and reevaluate its requirements for vehicle-based network equipment. For example, the committees note that the Army has already procured and fielded more than 88,000 Force XXI Battle Command Brigade and Below vehicle network systems, and could pursue upgrades to those systems as a lower-cost alternative to continued investment in the NIK. The Army should also conduct a comprehensive market survey to identify technologically mature and affordable alternatives to continued NIK and SOSCOE development, and compare these alternatives to moving forward with NIK and SOSCOE. Should any identified alternatives show the potential to provide a lower-cost, lower-risk path to achieving the desired capability, the Army should then conduct an open competition for a new or upgraded system for pushing network capability down to lower tactical level platforms.

Limitation on the use of funds for line-haul tractors

The House bill contained a provision (sec. 113) that would modify the Army's current acquisition and investment strategy for the M915 line-haul tractor trailer program. The provision would prohibit the Army from obligating funds for the continued procurement of M915 line-haul tractor trailers unless the source selection is based on a new, full and open competition.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The conferees are aware the Secretary of the Army opposes this provision and that the Army is nearing completion of its acquisition objective required for the M915 line haul tractor trailer program. The conferees would encourage the Secretary of the Army, should the M915 requirement increase, to consider a full and open competition for any new, future procurement. The conferees understand the Army Reserve have significant unfunded requirements for their M915 truck fleet and the conferees would encourage the Secretary of the Army to develop courses of action that could help to accelerate meeting those requirements in a timely manner.

TITLE II-RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A-Authorization of Appropriations

Authorization of appropriations (sec. 201)

The House bill contained a provision (sec. 201) that would authorize appropriations for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation.

The Senate committee-reported bill contained a similar provision (sec. 201).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B-Program Requirements, Restrictions, and Limitations

Enhancement of Department of Defense support of science, mathematics, and engineering education (sec. 211)

The Senate committee-reported bill contained a provision (sec. 213) that would provide the secretaries of the military departments and directors of defense laboratories certain authorities pertaining to educational activities in science, mathematics, and engineering.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Limitation on use of funds by Defense Advanced Research Projects Agency for operation of National Cyber Range (sec. 212)

The Senate committee-reported bill contained a provision (sec. 212) that would prohibit the use of funds for the National Cyber Range pending a report, as well as place certain limitations on the use of funds after the submission of this report.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Separate program elements required for research and development of Joint Light Tactical Vehicle (sec. 213)

The House bill contained a provision (sec. 214) that would require separate program elements in the Army and Navy research, development, test, and evaluation accounts for the Joint Light Tactical Vehicle program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Program for research, development, and deployment of advanced ground vehicles, ground vehicle systems, and components (sec. 214)

The Senate committee-reported bill contained a provision (sec. 214) that would permit the Department of Defense to carry out a program for research and development on, and deployment of, advanced technology ground vehicles, ground vehicle systems, and components.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that removed explicit reference to the Defense Production Act (Public Law 81-774).

Demonstration and pilot projects on cybersecurity (sec. 215)

The Senate committee-reported bill contained a provision (sec. 215) that would require the Secretary of Defense to conduct demonstration and pilot projects on cybersecurity. The purpose of these projects would be to evaluate commercial solutions, business processes, and policy options to enhance cybersecurity within the Department of Defense (DOD), the defense industrial base, the government as a whole, and the Nation's critical infrastructure.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would provide more latitude to DOD in choosing

what projects to pursue and how to implement them, including by encouraging the Department to pursue pilots on supply chain security and cloud computing security, and to involve the military services in the program.

Subtitle C-Missile Defense Programs

Sense of Congress on ballistic missile defense (sec. 221)

The Senate committee-reported bill contained a provision (sec. 231) that would express the sense of Congress on ballistic missile defense issues, particularly related to the Phased Adaptive Approach to missile defense in Europe.

The House bill contained a related provision (sec. 1236).

The agreement includes the Senate provision with a clarifying amendment.

Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities (sec. 222)

The House bill contained a provision (sec. 222) that would repeal section 222 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180).

The Senate committee-reported bill included an identical provision.

The agreement includes the provision.

Limitation on availability of funds for missile defense interceptors in Europe (sec. 223)

The House bill contained a provision (sec. 221) that would limit the availability of funds for construction and deployment of a missile defense system in Europe until any host nation approves the required basing and deployment agreements, and 45 days have elapsed after Congress receives an independent assessment required by section 235(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The provision would also limit the availability of funds for the procurement or deployment of operational missile defense interceptors on land in Europe until the Secretary of Defense certifies that such interceptor has demonstrated a high probability of working in an operationally effective manner.

The Senate committee-reported bill contained no similar provision.

The agreement contains the House provision, with an amendment that would clarify that the provision applies to land-based interceptors as part of the Phased Adaptive Approach to

missile defense in Europe. It would also provide the Secretary of Defense with a national security waiver authority of the limitations. Finally, the provision would clarify a number of activities permitted under the provision in relation to the planned deployment of land-based interceptors in Europe as part of the Phased Adaptive Approach to missile defense in Europe.

The provision is not intended to impede or delay the successful implementation of the Phased Adaptive Approach to missile defense in Europe, which is important for protection against existing and potential future Iranian missile threats. Nor is it intended to limit the production of missile defense interceptors for ground- and flight-testing, or production process validation.

Medium Extended Air Defense System (sec. 224)

The Senate committee-reported bill contained a provision (sec. 233) that would limit the availability of any fiscal year 2011 funds for the Medium Extended Air Defense System (MEADS) until certain conditions had been met, including a decision by the Secretary of Defense on whether to proceed with MEADS, and a report to the congressional defense committees concerning MEADS.

The House bill contained no similar provision.

The agreement includes a provision that would limit the availability of more than 25 percent of fiscal year 2011 funds for the MEADS program until the Secretary informs the congressional defense committees of a decision to proceed with the MEADS program. The provision would also limit more than 50 percent of fiscal year 2011 funds for the MEADS program until 30 days after the Secretary submits a report on MEADS to the congressional defense committees.

Given the significant cost increases and schedule delays in the MEADS development program, there is considerable uncertainty in the future of the program. It would not be prudent to spend fiscal year 2011 funds on the program unless the Department of Defense decides to proceed with the program in a fiscally sound manner in agreement with our allies. The provision is included without prejudice to the MEADS program.

Acquisition accountability reports on the ballistic missile defense system (sec. 225)

The Senate committee-reported bill contained a provision (sec. 234) that would require the Missile Defense Agency to establish, maintain, and report on acquisition baselines for each program element of the ballistic missile defense system.

The House bill contained no similar provision.

The agreement contains the Senate provision.

Authority to support ballistic missile shared early warning with the Czech Republic (sec. 226)

In May of 2010, after the President had submitted the budget request for fiscal year 2011, the Department of Defense requested the authority to carry out a shared ballistic missile early warning program with the Czech Republic.

Since the request came to Congress late, neither the House bill nor the Senate committee-reported bill contained a provision authorizing such a program.

The agreement includes a provision authorizing such a shared early warning program with the Czech Republic.

Report on Phased, Adaptive Approach to missile defense in Europe (sec. 227)

The House bill contained a provision (sec. 223) that would require a report on the Phased Adaptive Approach to Missile Defense in Europe.

The Senate committee-reported bill contained no similar provision.

The agreement contains the House provision with a clarifying amendment.

Independent review and assessment of the Ground-based Midcourse Defense system (sec. 228)

The House bill contained a provision (sec. 225) that would require an independent assessment of the plans of the Department of Defense for defending the United States homeland against ballistic missiles, and a report on the results of that assessment.

The Senate committee-reported bill contained a similar provision (sec. 235).

The agreement contains the Senate provision with a clarifying amendment.

Iron Dome short-range rocket defense system (sec. 229)

The House bill contained a provision (sec. 1507) that would authorize the Secretary of Defense to provide \$205.0 million from the Overseas Contingency Operations procurement account to the Government of Israel for the Iron Dome short-range rocket defense system.

The Senate committee-reported bill authorized the same amount of funding for Iron Dome in its research, development, test and evaluation (RDT&E) funding tables.

The agreement includes a provision that would authorize \$205.0 million of Defense-wide RDT&E funds for Iron Dome.

Subtitle D-Reports

Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program (sec. 231)

The House bill contained a provision (sec. 231) that would limit the obligation of research and development funding for the Army Ground Combat Vehicle program until certain program documentation is provided to the congressional defense committees.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Cost benefit analysis of future tank-fired munitions (sec. 232)

The House bill contained a provision (sec. 232) that would require a cost benefit analysis of future options for developing tank-fired munitions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Annual Comptroller General report on the VH-(XX) presidential helicopter acquisition program (sec. 233)

The House bill contained a provision (sec. 233) that would require the Comptroller General to produce an annual report on the VH-(XX) presidential helicopter acquisition program during the time that the Department expects to continue development, ending with a report in 2018.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, amended to have the reporting requirement expire after the fiscal year 2013 report.

Subtitle E-Other Matters

Sense of Congress affirming the importance of Department of Defense participation in development of next generation semiconductor technologies (sec. 241)

The House bill contained a sense of Congress (sec. 245) that the Department of Defense (DOD) should establish research and development facilities and a public-private partnership focused on extreme ultraviolet lithography technologies for the next-generation of semiconductors.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that removes references to facilities and any specific public-private partnerships and generalizes the focus of semiconductor manufacturing technology development beyond extreme ultraviolet lithography technologies. This agreement recognizes the importance of pursuing a range of techniques to develop next-generation advanced semiconductors, without prematurely narrowing down on any specific technological approaches before they are sufficiently proven to meet DOD mission needs.

Pilot program on collaborative energy security (sec. 242)

The House bill contained a provision (sec. 243) that would establish a pilot program on collaborative energy security between the Departments of Energy and Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Pilot program to include technology protection features during research and development of defense systems (sec. 243)

The House bill contained a provision (sec. 242) that would direct the Secretary of Defense to develop and incorporate technology protection features in designated systems during the research and development phase of such systems.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Legislative Provision Not Adopted

Joint assessment of the joint effects targeting system

The House bill contained a provision (sec. 234) that would require an assessment and report on the joint effects targeting system.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The committees remain concerned about the future of the joint effects targeting system, and direct the Secretary of the Army to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the current status and future plans for the joint effects targeting system not later than March 15, 2011. The briefing shall include detailed information on funding and schedule for the joint effects targeting system.

TITLE III-OPERATION AND MAINTENANCE

Subtitle A-Authorization of Appropriations

Authorization of appropriations (sec. 301)

The House bill contained a provision (sec. 301) that would authorize appropriations for fiscal year 2011 for the use of the Department of Defense for operation and maintenance.

The Senate committee-reported bill contained a similar provision (sec. 301).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B-Energy and Environmental Provisions

Reimbursement of Environmental Protection Agency for certain costs in connection with the Twin Cities Army Ammunition Plant, Minnesota (sec. 311)

The Senate committee-reported bill contained a provision (sec. 311) that would authorize the Secretary of Defense to transfer not more than \$5,620,000 to the Environmental Protection Agency (EPA) to reimburse EPA for costs incurred relating to response actions performed at the Twin Cities Army Ammunition Plant, Minnesota.

The House bill contained a similar provision (sec. 311).

The agreement includes the Senate committee-reported provision with a clarifying amendment that reflects the amount

as \$5,611,671.

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

The House bill contained a provision (sec. 312) that would authorize the Secretary of Defense to transfer to the Environmental Protection Agency not more than \$153,000 to satisfy a stipulated penalty assessed by EPA against Naval Air Station, Brunswick.

The Senate committee-reported bill contained a similar provision (sec. 312).

The agreement includes the House provision.

Requirements related to the investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina (sec. 313)

The House bill contained a provision (sec. 316) that would require the Secretary of Defense to provide information and expertise to the Agency for Toxic Substances and Disease Registry (ATSDR) relating to contaminated drinking water at Camp Lejeune in North Carolina.

The Senate committee-reported bill contained a similar provision (sec. 313) that would also limit the use of certain funds and provide for the resolution of certain disputes.

The agreement includes the House provision with several clarifying amendments and a provision limiting the use of certain funds subject to notification.

The Department of the Navy and ATSDR have been working on the issue of water contamination at Camp Lejeune for many years and various studies are still to be completed. The recently established Camp Lejeune Data Mining Technical Working Group is a positive development in the collaboration between the two agencies. Nonetheless, the cooperation has not always been as productive as it should have been. Service members and civilians who lived at Camp Lejeune and may have been exposed to contaminated water deserve to have the Navy and ATSDR work together cooperatively and collaboratively to ensure that the remaining studies and analyses are completed as comprehensively and expeditiously as possible.

The committees note that a number of relevant studies of Camp Lejeune water contamination and the possible health effects are still underway and could bear on the outcome of the claims filed with the Department of the Navy. It is the intention of the committees that no claims associated with water

contamination at Camp Lejeune be fully and finally adjudicated until after these studies are fully completed. Nonetheless, the committees recognize that the Department of the Navy may need to take certain ministerial actions associated with administration of the claims, which would be necessary to properly manage the claims and to support the eventual final action, before these studies are complete. Therefore, this provision would allow the Navy to take certain administrative and non-dispositive actions on the claims but only after the Committees on Armed Services for the Senate and the House of Representatives are notified.

Comptroller General assessment on military environmental exposures (sec. 314)

The Senate committee-reported bill contained a provision (sec. 314) that would establish a commission on military environmental exposures that would, among other things, make recommendations for how the Federal Government should respond to the issue of exposures of current and former members of the armed forces and their dependents to environmental hazards on military installations.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would drop the requirement for a commission and, instead, require the Comptroller General to assess various issues associated with environmental exposures on military installations, including impacts to current and former members of the armed forces, their dependents, and civilian employees, and to submit a report to the Committees on Armed Services of the Senate and the House of Representatives.

Subtitle C-Workplace and Depot Issues

Technical amendments to requirement for service contract inventory (sec. 321)

The House bill contained a provision (sec. 321) that would amend section 2330a of title 10, United States Code, to make technical changes to the requirement for a service contract inventory.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying that responsibility for the development of the guidance on certain types of information to be included in the inventory would reside with the Under Secretary of Defense (Personnel and Readiness), since the inventory is intended in

part to facilitate the human capital planning efforts of the Department of Defense. The Under Secretary of Defense (Acquisition, Technology, and Logistics) would retain responsibility for developing guidance on other data elements and implementing procedures.

The amendment would further require that information on the number of contractor employees be collected using direct labor hours and associated cost data collected from contractors to the maximum extent practicable. Only where such direct data is not available and cannot reasonably be made available in a timely manner would the use of estimates based on contract expenditures be authorized.

Repeal of conditions on expansion of functions performed under prime vendor contracts for depot-level maintenance and repair (sec. 322)

The House bill contained a provision (sec. 322) that would repeal an obsolete provision requiring the Secretary of Defense to report to Congress before entering into a prime vendor contract for depot-level maintenance and repair of a weapon system or other significant military equipment.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Prohibition on establishing goals or quotas for conversion of functions to performance by Department of Defense civilian employees (sec. 323)

The House bill contained a provision (sec. 325) that would prohibit the Secretary of Defense from establishing goals or quotas for the in-sourcing of functions currently performed in the private sector, unless such goals or quotas are based on considered research and analysis.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

We are aware of instances in which budget-driven quotas appear to have led to decisions that were not in the best interest of the Department of Defense and risk jeopardizing the workforce, potentially displacing highly-qualified and long-serving personnel.

We believe that the Department's hiring efforts should focus on the acquisition workforce and other critical capabilities needed by the Department. At a time when the

Department desperately needs to rebuild its in-house capabilities in critical mission areas, the effort and expense required to hire new civilian employees to replace contractor employees should not be wasted on the conversion of routine commercial functions that can readily be performed by contractors.

Subtitle D-Reports

Additional reporting requirements relating to corrosion prevention projects and activities (sec. 331)

The House bill contained a provision (sec. 332) that would add corrosion reporting requirements and increase oversight with respect to the efforts of corrosion control and prevention within the services.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Modification and repeal of certain reporting requirements (sec. 332)

The House bill contained a provision (sec. 333) that would modify or repeal certain reporting requirements in sections 323 and 349 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) and section 355 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate committee-reported bill contained two similar provisions (sec. 346 and sec. 347) that would amend section 323 and repeal section 349 respectively of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

The agreement includes a provision that would combine language from the House and the Senate provisions.

Report on Air Sovereignty Alert mission (sec. 333)

The House bill contained a provision (sec. 334) that would require the Commander of the United States Northern Command and the North American Aerospace Defense Command to submit a report on the Air Sovereignty Alert mission. The provision would also provide the opportunity for the Director of the National Guard Bureau to review and provide independent analysis and comments on this report.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision similar to the House provision, but the agreement would require the Director of the National Guard Bureau to review and provide independent analysis and comments on this report, rather than leaving that to the discretion of the Director of the National Guard Bureau.

Report on the SEAD/DEAD mission requirement for the Air Force (sec. 334)

The House bill contained a provision (sec. 335) that would require the Secretary of the Air Force to submit a report on the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses (SEAD/DEAD) mission as a responsibility of the Air National Guard. The provision would also provide the opportunity for the Director of the National Guard Bureau to review and provide independent analysis and comments on this report.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision similar to the House provision, but the agreement would require the Director of the National Guard Bureau to review and provide independent analysis and comments on this report, rather than leaving that to the discretion of the Director of the National Guard Bureau.

Requirement to update study on strategic seaports (sec. 335)

The House bill contained a provision (sec. 336) that would require the Commander of the United States Transportation Command to update the study entitled "PORT LOOK 2008 Strategic Seaports Study."

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle E-Limitations and Extensions of Authority

Permanent authority to accept and use landing fees charged for use of domestic military airfields by civil aircraft (sec. 341)

The House bill contained a provision (sec. 341) that would amend title 10, United States Code, to add a new section 2697. The new section 2697 would provide permanent authority for the

secretary of a military department to impose landing fees for use by civil aircraft at domestic military airfields for the purpose of funding operation and maintenance of such airfields.

The Senate committee-reported bill contained a provision (sec. 2822) that would amend section 377 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) to achieve the same purpose.

The agreement includes the House provision, amended to incorporate a requirement that the secretary of a military department determine whether the government has received consideration for landing fees in a lease, license, or other real estate agreement. If so, the secretary would be required to use such a determination to offset appropriate amounts of the proceeds associated with any landing fees assessed.

Extension of the Arsenal Support Program Initiative (sec. 342)

The House bill contained a provision (sec. 342) that would extend the Arsenal Support Program Initiative, prioritize the program purposes, and require a report.

The Senate committee-reported bill contained a similar provision (sec. 342) that would extend the ASPI for 1 year.

The agreement includes the Senate provision.

Limitation on obligation of funds for the Army Human Terrain System (sec. 343)

The House bill contained a provision (sec. 344) that would limit the obligation of 50 percent of funds for the Army's Human Terrain System until a number of requirements were met, including an independent assessment of the program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would reduce the funding limitation from 50 percent to 15 percent and would eliminate the requirement for an independent assessment since this has already been completed and delivered.

Limitation on obligation of funds pending submission of classified justification material (sec. 344)

The House bill contained a provision (sec. 345) that would limit the obligation of operations and maintenance funds for the Office of the Secretary of Defense, in budget activity 4, to not more than 90 percent of available funds until 15 days after the information cited in the classified annex accompanying this Act

relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Requirements for transferring aircraft within the Air Force inventory (sec. 345)

The House bill contained a provision (sec. 346) that would have prevented the Secretary of the Air Force from retiring any C-130 aircraft until 30 days after the Secretary submitted a report on the specific terms and conditions and personnel effects of any aircraft transfers between the active Air Force and the Air National Guard.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision similar to the House provision, but that provision would require prospectively such a report from the Secretary before taking action on future proposed transfers of aircraft between the active Air Force and the reserve components.

Commercial sale of small arms ammunition in excess of military requirements (sec. 346)

The House bill contained a provision (sec. 347) that would authorize the sale of small arms ammunition and ammunition components in excess of military requirements.

The Senate committee-reported bill contained a similar provision (sec. 345) with additional safeguards for state and local law enforcement, firefighting, homeland security, and emergency management agencies.

The agreement includes the Senate provision. We note that the Army has previously recycled once-fired small arms cartridge casings through the Qualified Recycling Program. Out of the revenue generated through the program, installation commanders were authorized to transfer up to 50 percent to the Morale, Welfare, and Recreation (MWR) fund for the benefit of soldiers and their families. Recognizing that removing the brass cartridges from the program may have an unintended consequence on the MWR program, we direct the Secretary of Defense to determine the impact on the MWR program and to take into account such impact when issuing guidance to implement this provision.

Subtitle F-Other Matters

Expedited processing of background investigations for certain individuals (sec. 351)

The House bill contained a provision (sec. 351) that would amend section 1564, title 10, United States Code, to authorize the use of expedited procedures for completing background investigations for the granting of security clearances to assist the transition to a civilian career for military personnel who are applying for a position with the Department of Defense and have been retired or separated for a physical disability pursuant to chapter 61 of title 10, United States Code.

The Senate committee-reported bill contained a similar provision (sec. 572) that would authorize expedited background investigations required for the granting of security clearances for service members expected to be medically retired or separated, their spouses, and surviving spouses of service members who die from a wound, injuries, or illness incurred or aggravated in the line of duty, to assist these individuals in obtaining employment with the Department of Defense or a Department of Defense contractor.

The agreement includes the House provision with an amendment that would authorize expedited background investigations for members of the armed forces expected to be retired or separated for physical disability, spouses of members who retire or are separated for physical disability after the date of enactment of this Act, and spouses of members who die after date of enactment of this Act as a result of a wound, injury, or illness incurred or aggravated in the line of duty.

Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space available on commercial lines (sec. 352)

The House bill contained a provision (sec. 353) that would amend current authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense transportation when space is available on commercial lines.

The Senate committee-reported bill contained a similar provision (sec. 348).

The agreement includes the House provision with a clarifying amendment.

Technical correction to obsolete reference relating to use of flexible hiring authority to facilitate performance of certain Department of Defense functions by civilian employees (sec. 353)

The House bill contained a provision (sec. 354) that would

delete an obsolete reference to the National Security Personnel System in section 2463 of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Authority for payment of full replacement value for loss or damage to household goods in limited cases not covered by carrier liability (sec. 354)

The House bill contained a provision (sec. 362) that would authorize the Secretary of Defense and the service secretaries to pay full replacement value for property lost or damaged in the course of a household goods move under certain circumstances where reimbursement is not available from the contracted carrier.

The Senate committee-reported bill contained a similar provision (sec. 622) with an effective date of March 1, 2008.

The agreement includes the House provision.

Recovery of improperly disposed of defense property (sec. 355)

The House bill contained a provision (sec. 361) that would authorize the recovery of Department of Defense property that has been disposed of in violation of applicable statutory and regulatory requirements.

The Senate committee-reported bill contained a similar provision (sec. 344).

The agreement includes the Senate provision with an amendment clarifying the applicability of the provision and the process required for the recovery of covered property.

Operational readiness models (sec. 356)

The House bill contained a provision (sec. 355) that would require a Comptroller General report and a study by a federally funded research and development center on the Department of Defense's modeling and simulation tools used to develop and analyze its annual budget submission.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that focused on budget tools for operational readiness, required a study from the Congressional Budget Office (CBO) instead, and required briefings to the congressional defense committees from each service on their responses to the CBO study.

Sense of Congress regarding continued importance of high-altitude aviation training site, Colorado (sec. 357)

The House bill contained a provision (sec. 356) that would express the sense of Congress that the High-Altitude Aviation Training Site in Gypsum, Colorado, is an important element of the Department of Defense aviation training activities, and that the Department of Defense should take all appropriate measures to prevent encroachment on the training site that would negatively impact training activities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Study of effects of new construction of obstructions on military installations and operations (sec. 358)

The House bill contained a provision (sec. 358) that would require the Secretary of Defense to assess military installations and operations and determine areas that are vital to national defense and training missions. This section would also require the Secretary of Defense to designate a single organization to coordinate hazard determinations with the Secretary of Transportation.

The Senate committee-reported bill contained a similar provision (sec. 1047) that would require the Secretary of Defense to establish a comprehensive strategy for addressing military impacts of renewable energy projects and other energy projects, with the objective of ensuring that the robust development of renewable energy sources and the expansion of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to designate a single individual and lead organization to establish a comprehensive strategy for addressing military impacts of renewable energy projects and other energy projects, with the objective of ensuring that the robust development of renewable energy sources and the expansion of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.

Legislative Provisions Not Adopted

Depot level maintenance and recapitalization parts supply

The Senate committee-reported bill contained a provision (sec. 321) that would direct the Defense Logistics Agency to report to Congress on the status of Reset and Retrograde for the equipment from Iraq and Afghanistan.

The House bill contained no similar provision.

The Senate agreement does not include this provision.

Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall brief the Committees on Armed Services of the Senate and the House of Representatives to include: an estimate of the current and projected scope of work to repair and resupply materiel to the military services, including projected costs and lists of major end items needed to meet Department of Defense readiness requirements; the current and projected timeline for the completion of reset of Operations Iraqi Freedom and New Dawn equipment up to and beyond December 31, 2011; the percentage and level of expected reset to take place in the United States and the percentage and level of expected reset overseas; a comprehensive assessment of parts management including backlogs and plans to reduce and minimize backlogs in parts availability; and a description of Department-wide efforts to find and implement more efficient parts supply, repair, and manufacturing solutions that will provide capacity and flexibility.

Pilot program on best value for contracts for private security functions

The House bill contained a provision (sec. 323) that would require the Secretary of Defense to establish a pilot program for the use of a "best value" approach in the award of contracts for private security functions in the Republic of Iraq and the Islamic Republic of Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

Part 15 of the Federal Acquisition Regulation already authorizes the use of "best value" contracting in the acquisition of products and services, including private security functions. We expect the Department of Defense to exercise this authority in the acquisition of private security functions in Iraq and Afghanistan, in a manner that is consistent with the requirements of conditions on the ground in theaters of military operations. As the Commission on Wartime Contracting stated in an October 2009 report, "a best value evaluation in a contingency environment, such as Iraq and Afghanistan, would

give due weight to the needs of operational commanders."

Additional limitation on indemnification of United States with respect to articles and services sold by working-capital funded army industrial facilities and arsenals outside the Department of Defense

The Senate committee-reported bill contained a provision (sec. 341) that would provide added protections from indemnification to the Department of Defense for articles and services sold by working-capital funded Army industrial facilities and arsenals.

The House bill contained no similar provision.

The Senate agreement does not include this provision.

The results of the comprehensive depot study due to the Committees on Armed Services of the Senate and House of Representatives in December 2010 is expected to suggest many recommendations and potential legislative solutions to the full spectrum of policy issues related to Department of Defense manufacturing and maintenance operations. As such, the Committees on Armed Services of the Senate and House of Representatives defer action until fiscal year 2011.

Report on use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense

The Senate committee-reported bill contained a provision (sec. 1062) that would require a comprehensive report regarding the current and projected use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense (DOD).

The House bill contained no similar provision.

The agreement does not include this provision.

The Committees on Armed Services of the Senate and House of Representatives note that while the Department of Defense is making advances in alternative fuels for vehicles and hybrid electric technologies, concerns remain that a strategic-level plan and coordinated approach are lacking and proliferation of technology is not as robust across the fleet as it could be. Not later than 45 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly with the Director of the Defense Logistics Agency, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the status of: use and potential use of domestically-produced alternative fuels including but not limited to, natural gas-based fuels and biodiesel, in DOD vehicles; current and projected actions by the

DOD to increase the use of alternative fuels in vehicles; a description and assessment of current and anticipated commercial availability and demand for alternative fuels including cost; a description of the infrastructure and associated costs required to store and distribute alternative fuels on military installations in the United States that could be adapted for use by alternative fuels; a list and status of the current tactical, non-tactical, and combat vehicle programs that are pursuing either hybrid or electric technologies, or advances to accept alternative fuels; a list of research and development programs and funding investments for operational energy; and any recommendations for legislative or administrative action to ensure that the DOD meets goals for the use of alternative fuels and vehicles.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2011: Army, 569,400; Navy, 328,700; Marine Corps, 202,100; and Air Force, 332,200.

The Senate committee-reported bill contained an identical provision (sec. 401).

The agreement includes the provision.

End strength levels for the active forces for fiscal year 2011 are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army	562,400	569,400	569,400	0	7,000
Navy	328,800	328,700	328,700	0	-100
Marine Corps	202,100	202,100	202,100	0	0
Air Force	331,700	332,200	332,200	0	500
DOD Total	1,425,000	1,432,400	1,432,400	0	7,400

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would

establish the following minimum end strengths for active-duty personnel as of September 30, 2011: Army, 547,400; Navy, 324,300; Marine Corps, 202,100; and Air Force 332,200.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Minimum end strength levels for active forces are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from
		Recommendation		FY 2010
Army	547,400	547,400		0
Navy	328,800	324,300		-4,500
Marine Corps	202,100	202,100		0
Air Force	331,700	332,200		500
DOD Total	1,410,000	1,406,000		-4,000

Subtitle B-Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves, as of September 30, 2011: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 65,500; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,700; the Air Force Reserve, 71,200; and the Coast Guard Reserve, 10,000.

The Senate committee-reported bill contained an identical provision (sec. 411).

The agreement includes the provision.

End strength levels for the Selected Reserve are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army National Guard	358,200	358,200	358,200	0	0
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	65,500	65,500	65,500	0	0
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,700	106,700	106,700	0	0
Air Force Reserve	69,500	71,200	71,200	0	1,700

DOD Total	844,500	846,200	846,200	0	1,700
Coast Guard Reserve	10,000	10,000	10,000	0	0

End strengths for reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for reserves on active duty in support of the reserve components as of September 30, 2011: the Army National Guard of the United States, 32,060; the Army Reserve, 16,261; the Navy Reserve, 10,688; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,584; and the Air Force Reserve, 2,992.

The Senate committee-reported bill contained an identical provision (sec. 412).

The agreement includes the provision.

End strength levels for reserves on active duty in support of the reserves are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,261	16,261	16,261	0	0
Navy Reserve	10,818	10,688	10,688	0	-130
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,555	14,584	14,584	0	29
Air Force Reserve	2,896	2,992	2,992	0	96
DOD Total	78,851	78,846	78,846	0	-5

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2011: the Army Reserve, 8,395; the Army National Guard of the United States, 27,210; the Air Force Reserve, 10,720; and the Air National Guard of the United States, 22,394.

The Senate committee-reported bill contained an identical provision (sec. 413).

The agreement includes the provision.

End strength levels for military technicians (dual status) are set forth in the following table:

FY 2011

Change from

Service	FY 2010 authorized	Request	Recommendation	FY 2011 request	FY 2010 authorized
Army Reserve	8,395	8,395	8,395	0	0
Army National Guard	27,210	27,210	27,210	0	0
Air Force Reserve	10,417	10,720	10,720	0	303
Air National Guard	22,313	22,394	22,394	0	81
DOD Total	68,335	68,719	68,719	0	384

Fiscal year 2011 limitation on number of non-dual status technicians (sec. 414)

The House bill contained a provision (sec. 414) that would establish the following maximum end strengths for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2011: the Army National Guard of the United States, 2,520; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate committee-reported bill contained a similar provision (sec. 414) that would establish maximum end strength for the Army National Guard for non-dual status technicians of 1,600.

The agreement includes the Senate provision.

End strength levels for non-dual status technicians are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army National Guard.....	1,600	2,520	1,600	-920	0
Air National Guard.....	350	350	350	0	0
Army Reserve	595	595	595	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	3,555	2,635	-920	0

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal

year 2011 to provide operational support.

The Senate committee-reported bill contained an identical provision (sec. 415).

The agreement includes the provision.

The maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2011 is set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
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DOD Total	69,200	69,200	69,200	0	0

Subtitle C-Authorization of Appropriations

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel.

The Senate committee-reported bill contained a similar provision (sec. 421).

The agreement includes the House provision.

TITLE V-MILITARY PERSONNEL POLICY

Subtitle A-Officer Personnel Policy Generally

Ages for appointment and mandatory retirement for health professions officers (sec. 501)

The House bill contained a provision (sec. 501) that would amend section 532 of title 10, United States Code, to authorize appointment of individuals with certain medical skills who will not be able to complete 20 years of active commissioned service before age 62 as regular and reserve commissioned officers. The provision would also amend section 1251 of title 10, United

States Code, to authorize the service secretary to defer until age 68 the mandatory retirement of certain health professions officers.

The Senate committee-reported bill contained a similar provision (sec. 507).

The agreement includes the Senate provision with a technical amendment.

Authority for appointment of warrant officers in the grade of W-1 by commission and standardization of warrant officer appointing authority (sec. 502)

The House bill contained a provision (sec. 502) that would amend sections 571 and 12241 of title 10, United States Code, to authorize appointments of warrant officers, W-1, in both the regular and reserve components, to be made by warrant or commission.

The Senate committee-reported bill contained a similar provision (sec. 509).

The agreement includes the Senate provision.

Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards (sec. 503)

The House bill contained a provision (sec. 503) that would amend sections 613, 628 and 14104 of title 10, United States Code, to clarify that the nondisclosure provisions applicable to promotion selection boards for officers on the active-duty list and on the reserve active-status list are also applicable to promotion selection boards for warrant officers and for special selection boards.

The Senate committee-reported bill contained a similar provision (sec. 502).

The agreement includes the House provision.

Administrative removal of officers from promotion list (sec. 504)

The House bill contained a provision (sec. 504) that would amend sections 629 and 14310 of title 10, United States Code, to require the administrative removal of an officer's name from a promotion list, under regulations prescribed by the Secretary concerned, if the officer is discharged or dropped from the rolls, transferred to retired status, or found to have been erroneously included in a zone of consideration.

The Senate committee-reported bill contained a similar provision (sec. 503) that did not authorize administrative

removal from a promotion list of an officer found to have been erroneously included in a zone of consideration. We believe that higher authority outside the service concerned must give careful scrutiny to the circumstances surrounding erroneous inclusion of an officer's name on a list of officers recommended for promotion by a selection board and determine that removal from the promotion list is justified.

The agreement includes the Senate provision with a technical amendment.

Modification of authority for officers selected for appointment to general and flag officer grades to wear insignia of higher grade before appointment (sec. 505)

The Senate committee-reported bill contained a provision (sec. 505) that would amend chapter 45 of title 10, United States Code, to authorize officers selected for appointment to grades of lieutenant general, vice admiral, general, or admiral, whose nominations have been confirmed by the Senate, to wear the insignia for that higher grade for a period of up to 14 days before assuming the duties of the position for which the higher grade is authorized. The provision would also amend section 777 of title 10, United States Code, to remove the required 30 day waiting period following congressional notification before officers below the grades of major general or rear admiral are authorized to wear the insignia of the next higher grade.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer (sec. 506)

The House bill contained a provision (sec. 506) that would amend sections 3911, 6323, and 8911 of title 10, United States Code, to authorize the service secretaries to approve the voluntary retirement of officers who have completed 20 years of service, 8 of which are active service as a commissioned officer. This temporary authority would begin on the date of enactment of this Act and end on September 30, 2013.

The Senate committee-reported bill contained a similar provision (sec. 506).

The agreement includes the House provision.

Subtitle B-Reserve Component Management

Removal of statutory distribution limits on Navy reserve flag

officer allocation (sec. 511)

The House bill contained a provision (sec. 513) that would amend section 12004 of title 10, United States Code, by removing the statutory distribution limits on Navy Reserve flag officers.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program (sec. 512)

The House bill contained a provision (sec. 514) that would amend section 10216 of title 10, United States Code, to authorize up to 50 Air Force Reserve technicians to be assigned outside of the unit program.

The Senate committee-reported bill contained a similar provision (sec. 523).

The agreement includes the House provision.

Temporary authority for temporary employment of non-dual status military technicians (sec. 513)

The House bill contained a provision (sec. 515) that would amend section 10217 of title 10, United States Code, to authorize the Secretary of the Army or the Secretary of the Air Force to employ, for a period of up to 2 years, a non-dual status technician to backfill a mobilized dual status technician. The authority would expire 2 years after the date of enactment of this Act.

The Senate committee-reported bill contained a similar provision (sec. 524).

The agreement includes the House provision with an amendment that clarifies that non-dual status technicians hired under this authority do not count against the permanent limitations on the number of non-dual status technicians contained in section 10217 of title 10, United States Code.

Revision of structure and functions of the Reserve Forces Policy Board (sec. 514)

The House bill contained a provision (sec. 516) that would amend section 10301 of title 10, United States Code, to revise the membership and operating framework of the Reserve Forces Policy Board.

The Senate committee-reported bill contained a similar provision (sec. 903).

The agreement includes the Senate provision with an amendment that would strike the paragraph specifying employee status and compensation and the requirement for the Secretary of Defense to certify an effective date.

Repeal of requirement for new oath when officers transfer from active-duty list to reserve active-status list (sec. 515)

The Senate committee-reported bill contained a provision (sec. 521) that would amend section 12201 of title 10, United States Code, to repeal the requirement that an officer who transfers from the active component to the reserve component execute a new oath of office.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Leave of members of the reserve components of the armed forces (sec. 516)

The Senate committee-reported bill contained a provision (sec. 556) that would amend section 701 of title 10, United States Code, to authorize reserve component members to carry over leave accumulated during periods of active service without regard to separation or release from active service, subject to the leave carryover limits contained elsewhere in that section. The provision would also amend section 501 of title 37, United States Code, to allow reserve component members to sell leave accumulated and carried over under this authority in the event they separate or retire from their reserve component.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Direct appointment of graduates of the United States Merchant Marine Academy into the National Guard (sec. 517)

The Senate committee-reported bill contained a provision (sec. 525) that would amend section 305 of title 32, United States Code, to authorize federal recognition of graduates of the United States Merchant Marine Academy as commissioned officers of the National Guard.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle C-Joint Qualified Officers and Requirements

Technical revisions to definition of joint matters for purposes of joint officer management (sec. 521)

The House bill contained a provision (sec. 521) that would amend section 668(a) of title 10, United States Code, to change the definition of joint matters to matters related to the achievement of unified action by integrated military forces and to clarify that participation in any one of several enumerated joint activities meets the requirement. The provision defines integrated military forces as forces that involve participants from more than one of the military departments or a military department and (1) other departments or agencies of the United States, (2) the military forces or agencies of other countries, or (3) non-governmental persons or entities.

The Senate committee-reported bill contained a similar provision (sec. 504).

The agreement includes the House provision.

Modification of promotion board procedures for joint qualified officers and officers with joint staff experience (sec. 522)

The House bill contained a provision (sec. 522) that would amend section 612 of title 10, United States Code, to require promotion selection boards considering officers who are serving on, or have served on, the Joint Staff, or who are joint qualified officers, to include as a member of the board at least one joint qualified officer designated by the Chairman of the Joint Chiefs of Staff, and to authorize the Secretary of Defense to waive this requirement for promotion selection boards considering medical officers, dental officers, veterinary officers, medical service officers, nurses, biomedical science officers, chaplains, judge advocates, and officers in the science and technology field for which joint requirements do not exist. The provision would also amend sections 615 and 618 of title 10, United States Code, to clarify that these statutes regarding information furnished to selection boards and action on reports of selection boards are applicable to boards that consider officers who are serving on, or have served on, the Joint Staff or are joint qualified officers.

The Senate committee-reported bill contained a similar provision (sec. 501).

The agreement includes the House provision with a clarifying amendment.

Subtitle D-General Service Authorities

Extension of temporary authority to order retired members of the armed forces to active duty in high-demand, low-density assignments (sec. 531)

The House bill contained a provision (sec. 531) that would amend section 688a(f) of title 10, United States Code, to extend from December 31, 2010, to December 31, 2012, the temporary authority to order retired members of the armed forces to active duty in high-demand, low-density assignments and require the Secretary of the Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives containing an assessment of the need to extend this authority beyond December 31, 2012.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would extend the temporary authority to December 31, 2011.

Non-chargeable rest and recuperation absence for certain members undergoing extended deployment to a combat zone (sec. 532)

The Senate committee-reported bill contained a provision (sec. 557) that would authorize the service secretaries, under regulations prescribed by the Secretary of Defense, to provide rest and recuperation absence of up to 15 days, including round-trip travel at government expense, to certain service members entitled to hardship duty pay while serving in a combat zone designated by the President.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Correction of military records (sec. 533)

The House bill contained a provision (sec. 532) that would amend sections 1552, 1553, and 1554 of title 10, United States Code, to require boards for the correction of military records, discharge review boards, and disability retirement and separation review boards to ensure that the documents announcing decisions of the boards convey the findings and conclusions of the board in an itemized and orderly fashion with specific attention to each issue presented by the member in regard to that member's case. The provision would also amend section 1554 of title 10, United States Code, to authorize disability

retirement and separation review boards to review retirements and separations for physical disability of enlisted members as well as officers. The provision would also extend from December 31, 2010, to December 31, 2013, the limitation on reduction of military and civilian personnel assigned to duty with the service review agencies of the military departments.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would authorize disability retirement and separation review boards to review retirements and separations of enlisted members as well as officers, and would extend until December 31, 2013, the limitation on reduction in personnel assigned to duty with service review agencies.

Disposition of members found to be fit for duty who are not suitable for deployment or worldwide assignment for medical reasons (sec. 534)

The Senate committee-reported bill contained a provision (sec. 571) that would amend chapter 61 of title 10, United States Code, to prohibit involuntary administrative separation of a service member who has been determined by a Physical Evaluation Board (PEB) to be fit for duty based on a subsequent administrative determination that the member is unsuitable for deployment or worldwide assignment based on the same medical condition that was considered by the PEB. The service member could be retired or separated for physical disability if a reevaluation by the PEB results in a determination that the member is unfit to perform the duties of the member's office, grade, rank, or rating.

The committee is disappointed that the Department of Defense has not resolved the differing approaches of the services to this problem despite numerous complaints, inquiries, and expressions of concern about the inequitable treatment of military personnel with medical conditions. The committee expects the Secretary of Defense to issue uniform guidance to the services about how to proceed in the disposition of currently serving service members who fall into this category.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would make the Secretary of Defense the final approval authority.

Review of laws, policies, and regulations restricting service of female members of the armed forces (sec. 535)

The House bill contained a provision (sec. 534) that would recognize the role and service of female members of the armed forces and require the Secretary of Defense to conduct a review of military occupational specialties open to women, and to review, in coordination with the service secretaries, the collocation and other policies and regulations that restrict the service of female service members.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense, in coordination with the service secretaries, to review applicable law, policies, and regulations, including the collocation policy, that may restrict the service of female service members and determine whether changes are needed to ensure that female members have an equitable opportunity to compete and excel in the armed forces. The provision would require the Secretary of Defense to submit a report containing the results of the review to the congressional defense committees by April 15, 2011.

Subtitle E-Military Justice and Legal Matters

Continuation of warrant officers on active duty to complete disciplinary action (sec. 541)

The House bill contained a provision (sec. 541) that would amend section 580 of title 10, United States Code, to authorize the Secretary of the military department concerned to delay the mandatory separation or retirement of a warrant officer against whom action has been commenced with a view to trying the warrant officer by court-martial.

The Senate committee-reported bill contained a similar provision (sec. 510).

The agreement contains the House provision.

Enhanced authority to punish contempt in military justice proceedings (sec. 542)

The House bill contained a provision (sec. 542) that would amend section 848 of title 10, United States Code, to increase the maximum fine for contempt in military justice proceedings from \$100 to \$1,000 and would add willful disobedience of a lawful writ, process, order, rule, decree, or command of a military judge, court of inquiry, the United States Court of Appeals for the Armed Forces, a military Court of Criminal

Appeals, a provost court, or military commission as a basis for punishment for contempt.

The Senate committee-reported bill contained a similar provision (sec. 562).

The agreement includes the House provision with an amendment that would include willful disobedience of a civilian judge as a basis for punishment for contempt.

Improvements to Department of Defense domestic violence programs (sec. 543)

The House bill contained a provision (sec. 545) that would require the Secretary of Defense to implement recommendations contained in the report of the Comptroller General of the United States titled "Status of Implementation of GAO's 2006 Recommendations on the Department of Defense's Domestic Violence Program" (GAO-10-577R).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Subtitle F-Member Education and Training Opportunities and Administration

Enhancements of Department of Defense undergraduate nurse training program (sec. 551)

The Senate committee-reported bill contained a provision (sec. 539) that would amend section 2016 of title 10, United States Code, to make technical and clarifying changes to the Department of Defense undergraduate nurse training program.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Repayment of education loan repayment benefits (sec. 552)

The House bill contained a provision (sec. 551) that would amend sections 2171 and 16301 of title 10, United States Code, to subject the loan repayment programs under those sections to the repayment provisions of section 303a(e) of title 37, United States Code, and to authorize the service secretaries to pay a lump sum payment for the balance of any loans the services agreed to pay under a written agreement existing at the time of the service member's death.

The Senate committee-reported bill contained a similar provision (sec. 538).

The agreement includes the House provision.

Participation of Armed Forces Health Professions Scholarship and Financial Assistance Program recipients in active duty health profession loan repayment program (sec. 553)

The House bill contained a provision (sec. 671) that would amend section 2173 of title 10, United States Code, to authorize loan repayment for students who incurred student loans pursuing an appropriate degree prior to enrolling in the Armed Forces Health Professions Scholarship and Financial Aid Program.

The Senate committee-reported bill contained a similar provision (sec. 534).

The agreement includes the Senate provision.

Active duty obligation for military academy graduates who participate in the Armed Forces Health Professions Scholarship and Financial Assistance Program (sec. 554)

The House bill contained a provision (sec. 552) that would require graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy to serve the full period of the active duty service obligation associated with their military academy attendance notwithstanding that their participation in the Health Professions Scholarship Program (HPSP) requires them to resign their regular commission and serve as a reserve officer.

The Senate committee-reported bill contained a similar provision (sec. 533) that would amend sections 4348, 6959, and 9348 of title 10, United States Code, to clarify that graduates of service academies who participate in the Armed Forces Health Professions Scholarship and Financial Assistance Program must serve their academy service obligation on active duty after graduating from HPSP.

The agreement includes the Senate provision.

Subtitle G- Defense Dependents' Education

Enrollment of dependents of members of the armed forces who reside in temporary housing in Department of Defense domestic dependent elementary and secondary schools (sec. 561)

The House bill contained a provision (sec. 562) that would authorize the Secretary of Defense to permit certain dependents who reside in temporary housing in lieu of permanent living

quarters on a military installation the ability to attend Department of Defense (DOD) domestic dependent elementary and secondary schools.

The Senate committee-reported bill contained a provision (sec. 553) that would authorize the enrollment in DOD elementary and secondary schools of dependents of wounded, ill, or injured service members who reside in temporary housing, and of service members who reside in temporary housing due to an ongoing base housing privatization project, regardless of whether the temporary housing is on federal property.

The agreement includes the House provision with an amendment that would authorize the Secretary to permit a dependent of a member of the armed forces to enroll in a DOD elementary or secondary school if the dependents reside in temporary housing, regardless of whether the temporary housing is on federal property, due to the unavailability of adequate permanent living quarters on the military installation to which the member is assigned, or while the member is wounded, ill, or injured.

Continuation of authority to assist local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 562)

The House bill contained a provision (sec. 561) that would authorize \$50.0 million for continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The provision would also authorize \$15.0 million for assistance to local educational agencies with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

The Senate committee-reported bill contained a provision (sec. 551) that would authorize \$30.0 million and \$5.0 million for each assistance program, respectively.

The agreement includes the House provision with an amendment that would authorize \$30.0 million for continuation of assistance to agencies impacted by enrollment of DOD military and civilian employee dependents, and \$10.0 million for assistance to agencies with significant changes in enrollment of children due to base closures, force structure changes, or force relocations.

Impact aid for children with severe disabilities (sec. 563)

The Senate committee-reported bill contained a provision (sec. 552) that would authorize \$10.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of the Department of Defense's assistance to local educational agencies that benefit dependents with severe disabilities.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle H-Decorations and Awards

Clarification of persons eligible for awards of Bronze Star medal (sec. 571)

The House bill contained a provision (sec. 574) that would amend section 1133 of title 10, United States Code, to authorize award of the Bronze Star medal to members of a military force who were: (1) serving in a geographic area in which hostile fire/imminent danger pay or hazardous duty pay was authorized at the time events occurred for which the medal would be awarded; or (2) in receipt of hostile fire/imminent danger pay or hazardous duty pay as a result of the events for which the medal would be awarded.

The Senate committee-reported bill contained a similar provision (sec. 567).

The agreement includes the House provision.

Authorization and request for award of Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II (sec. 572)

The Senate committee-reported bill contained a provision (sec. 568) that would authorize the Secretary of the Army to award the Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II.

The House bill contained no similar provision.

The agreement includes Senate provision.

Authorization and request for award of Distinguished-Service Cross to Jay C. Copley for acts of valor during the Vietnam War (sec. 573)

The House bill contained a provision (sec. 577) that would authorize the Secretary of the Army to award the Distinguished-Service Cross to Jay C. Copley, who served in the United States Army during the Vietnam War.

The Senate committee-reported bill contained a similar provision (sec. 569).

The agreement includes the Senate provision.

Program to commemorate 60th anniversary of the Korean War (sec. 574)

The House bill contained a provision (sec. 578) that would authorize the Secretary of Defense to establish a program to commemorate the 60th anniversary of the Korean War.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Subtitle I-Military Family Readiness Matters

*Appointment of additional members of Department of Defense
Military Family Readiness Council (sec. 581)*

The House bill contained a provision (sec. 581) that would expand the membership of the Department of Defense Military Family Readiness Council to include a spouse of a general or flag officer, and would clarify the appointment options for the enlisted member representation.

The Senate committee-reported bill contained a provision (sec. 581) that would require the addition of two members to the Department of Defense Military Family Readiness Council. One representative would be the spouse of an officer serving in the grade of general or admiral, and the other would be the Director of the Office of Community Support for Military Families With Special Needs.

The agreement includes the House provision with an amendment that would expand membership on the Council to include a spouse of a general or flag officer and the Director of the Office of Community Support for Military Families With Special Needs, and clarify the appointment options for enlisted representation on the Council.

*Enhancement of community support for military families with
special needs (sec. 582)*

The House bill contained a provision (sec. 582) that would require the Director of the Office of Community Support for Military Families With Special Needs to be a member of the Senior Executive Service or a general or flag officer.

The Senate committee-reported bill contained a provision (sec. 582) that would: require that the Office of Community Support for Military Families With Special Needs conduct periodic reviews of best practices in the provision of medical and educational services for children with special needs; authorize the secretaries of the military departments to establish or support centers to provide medical and educational services for military children with special needs; and require the formation of an advisory panel comprised of military family members to provide advice to the Director of the Office of Community Support for Military Families With Special Needs on services and support for military children with special needs.

The agreement includes the Senate provision with an amendment that would add to the Senate provision the requirement contained in the House bill that the Director of the Office of Community Support for Families With Special Needs be a member of the Senior Executive Service or a general or flag officer.

Modification of Yellow Ribbon Reintegration Program (sec. 583)

The House bill contained a provision (sec. 584) that would: authorize service and state based programs to provide access to service members and their families of all components; require a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program; provide information on employment opportunities during the post-deployment reconstitution phase; and include resiliency training programs in the outreach services provided under the Yellow Ribbon Reintegration Program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Expansion and continuation of the Joint Family Support Assistance Program (sec. 584)

The House bill contained a provision (sec. 590A) that would amend chapter 88 of title 10, United States Code, to require the Secretary of Defense to continue to carry out the Joint Family Support Assistance Program at not less than six locations, up to three of which must be geographically isolated from a military installation.

The Senate committee-reported bill contained no similar

provision.

The agreement includes the House provision with an amendment that would amend section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to require the Secretary to continue to carry out the Joint Family Support Assistance Program through December 31, 2012, at not less than six locations, at least three of which must be geographically isolated from a military installation.

Report on military spouse education programs (sec. 585)

The House bill contained a provision (sec. 589) that would require the Secretary of Defense to review all Department of Defense education programs designed to support spouses of military service members.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to review all Department of Defense and Department of Veterans Affairs education programs designed to support spouses of military service members.

Report on enhancing benefits available for military dependent children with special education needs (sec. 586)

The Senate committee-reported bill contained a provision (sec. 583) that would require the Secretary of Defense to conduct a pilot program to assess the feasibility and advisability of awarding scholarships to military children with special education needs for the purpose of ensuring access to appropriate education and related services based on an individualized education program.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the Secretary of Defense, in consultation with the Secretary of Education, to submit a report describing the needs of military families with children with special needs and evaluating options to enhance the benefits available to those families and children under the Individuals with Disabilities Education Act (Public Law 108-446).

Reports on child development centers and financial assistance for child care for members of the armed forces (sec. 587)

The Senate committee-reported bill contained a provision (sec. 584) that would require the Secretary of Defense to submit

a report not later than 6 months after the date of the enactment of this Act, and biennially thereafter, on Department of Defense child development centers and financial assistance provided by the Department for off-installation child care.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle J-Other Matters

Authority for members of the armed forces and Department of Defense and Coast Guard civilian employees and their families to accept gifts from non-federal entities (sec. 591)

The House bill contained a provision (sec. 596) that would amend chapter 155 of title 10, United States Code, to authorize direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require review and approval by a designated agency ethics official before acceptance of a gift to ensure that acceptance of the gift complies with the Joint Ethics Regulation.

Increase in number of private sector civilians authorized for admission to the National Defense University (sec. 592)

The House bill contained a provision (sec. 592) that would amend section 2167(a) of title 10, United States Code, to increase from 20 to 35 the number of eligible private sector civilians who work in organizations relevant to national security who are authorized to receive instruction at the National Defense University.

The Senate committee-reported bill contained an identical provision (sec. 535).

The agreement includes this provision.

Admission of defense industry civilians to attend United States Air Force Institute of Technology (sec. 593)

The House bill contained a provision (sec. 593) that would amend chapter 901 of title 10, United States Code, to authorize the Secretary of the Air Force to permit no more than 125 defense industry employees to receive instruction at the United States Air Force Institute of Technology.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Updated terminology for the Army Medical Service Corps (sec. 594)

The House bill contained a provision (sec. 712) that would amend section 3068(a)(5) of title 10, United States Code, to reflect the current structure of the Army Medical Service Corps by renaming the Pharmacy, Supply, and Administration Section as the Administrative Health Services Section; the Sanitary Engineering Section as the Preventive Medicine Sciences Section; and the Optometry Section as the Clinical Health Sciences Section.

The Senate committee-reported bill contained a similar provision (sec. 593).

The agreement includes the House provision.

Date of submission of annual report on Department of Defense STARBASE program (sec. 595)

The House bill contained a provision (sec. 594) that would amend section 2193b of title 10, United States Code, to change the date for submission of the annual STARBASE program report from 90 days after the end of each fiscal year to March 31 of each year.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Extension of deadline of submission of final report of Military Leadership Diversity Commission (sec. 596)

The House bill contained a provision (sec. 595) that would amend section 596 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to extend the deadline for submission of the final report of the Military Leadership Diversity Commission from 12 months to 18 months after the date on which the Commission first meets.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A-Pay and Allowances

Ineligibility of certain federal civilian employees for reservist income replacement payments on account of availability of comparable benefits under another program (sec. 601)

The House bill contained a provision (sec. 607) that would amend section 910 of title 37, United States Code, to clarify that civilian employees of the Federal Government may not receive income replacement differential payments concurrently under that section and section 5538 of title 5, United States Code.

The Senate committee-reported bill contained a similar provision (sec. 603).

The agreement includes the House provision with a technical amendment.

Subtitle B-Bonuses and Special and Incentive Pays

One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus; the Selected Reserve affiliation or enlistment bonus; the special pay for enlisted members assigned to certain high-priority units; the Ready Reserve enlistment bonus for persons without prior service; the Ready Reserve enlistment and reenlistment bonus for persons with prior service; the Selected Reserve enlistment and reenlistment bonus for persons with prior service; and income replacement payments for certain reserve component members.

The Senate committee-reported bill contained an identical provision (sec. 611).

The agreement includes the provision.

One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The House bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus; the repayment of education loans for certain health professionals who serve in the Selected Reserve;

accession and retention bonuses for psychologists; the accession bonus for registered nurses; incentive special pay for nurse anesthetists; special pay for Selected Reserve health professionals in critically short wartime specialties; the accession bonus for dental officers; the accession bonus for pharmacy officers; the accession bonus for medical officers in critically short wartime specialties; and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate committee-reported bill contained an identical provision (sec. 612).

The agreement includes the provision.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending their period of active service; the nuclear career accession bonus; and the nuclear career annual incentive bonus.

The Senate committee-reported bill contained an identical provision (sec. 613).

The agreement includes the provision.

One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)

The House bill contained a provision (sec. 614) that would extend for 1 year the general bonus authority for enlisted members; the general bonus authority for officers; the special bonus and incentive pay authorities for nuclear officers; the special aviation incentive pay and bonus authorities; and the special bonus and incentive pay authorities for officers in the health professions. The provision would also extend for 1 year the authority to pay hazardous duty pay; assignment pay or special duty pay; the skill incentive pay or proficiency bonus; and the retention bonus for members with critical military skills or assigned to high priority units.

The Senate committee-reported bill contained an identical provision (sec. 614).

The agreement includes the provision with a technical amendment.

One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)

The House bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus; assignment incentive pay; the reenlistment bonus for active members; the enlistment bonus; the accession bonus for new officers in critical skills; the incentive bonus for conversion to military occupational specialty to ease personnel shortage; the incentive bonus for transfer between armed forces; and the accession bonus for officer candidates.

The Senate committee-reported bill contained a similar provision (sec. 615).

The agreement includes the Senate provision.

One-year extension of authorities relating to payment of referral bonuses (sec. 616)

The House bill contained a provision (sec. 616) that would extend for 1 year the authority to pay the health professions referral bonus and the Army referral bonus under sections 1030 and 3252 of title 10, United States Code, respectively.

The Senate committee-reported bill contained an identical provision (sec. 616).

The agreement includes the provision.

Subtitle C-Travel and Transportation Allowances

Extension of authority to provide travel and transportation allowances for inactive duty training outside of normal commuting distances (sec. 621)

The House bill contained a provision (sec. 631) that would extend for 1 year the authority to pay travel and transportation allowances for certain inactive duty training outside of normal commuting distances.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Travel and transportation allowances for attendance at Yellow Ribbon Reintegration events (sec. 622)

The House bill contained a provision (sec. 632) that would authorize travel and transportation allowances for members of the uniformed services and one or more designees to attend Yellow Ribbon Reintegration Program events.

The Senate committee-reported bill contained a similar provision (sec. 621).

The agreement includes the House provision with a technical amendment.

Subtitle D-Disability, Retired Pay and Survivor Benefits

Elimination of cap on retired pay multiplier for members with greater than 30 years of service who retire for disability (sec. 631)

The House bill contained a provision (sec. 641) that would amend sections 1401, 1402, and 1402a of title 10, United States Code, to authorize service members who serve on active duty for more than 30 years and who are retired with a disability to receive retired pay based on their years of service up to 100 percent of their retired pay base.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Payment date for retired and retainer pay (sec. 632)

The House bill contained a provision (sec. 646) that would amend section 1412 of title 10, United States Code, to require military retired and retainer pay to be paid on the first day of each month instead of the first business day of each month.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Clarification of effect of ordering reserve component member to active duty to receive authorized medical care on reducing eligibility age for receipt of non-regular service retired pay (sec. 633)

The House bill contained a provision (sec. 644) that would amend section 12731 of title 10, United States Code, to credit time spent by a reserve component member on active duty receiving medical care for wounds, injuries, or illness incurred during qualifying active duty service toward the calculation of the age at which such member would be entitled to receive retired pay below the age of 60.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Conformity of special compensation for members with injuries or illnesses requiring assistance in everyday living with monthly personal caregiver stipend under Department of Veterans Affairs program of comprehensive assistance for family caregivers (sec. 634)

The Senate committee-reported bill contained a provision (sec. 632) that would amend section 439 of title 37, United States Code, to establish the rate of the monthly stipend under the Department of Defense family caregiver compensation program as the amount of the caregiver stipend under the Department of Veterans Affairs program of comprehensive assistance for family caregivers authorized in section 1720G of title 38, United States Code.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Sense of Congress concerning age and service requirements for retired pay for non-regular service (sec. 635)

The House bill contained a provision (sec. 647) that would express the sense of Congress that amendments to section 12731 of title 10, United States Code, made by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) were intended to reduce the minimum age at which members of a reserve component of the armed forces would begin receiving retired pay by 3 months for every 90-day period spent deployed on active duty over the course of a career, rather than limiting qualifying time to such periods served wholly within the same fiscal year, and that the Department of Defense should correct its erroneous interpretation of that authority.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would express the sense of Congress as stated above, and urge the Department of Defense to implement the congressional intent.

Subtitle E-Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Addition of definition of morale, welfare, and recreation telephone services for use in contracts to provide such services

for military personnel serving in combat zones (sec. 641)

The House bill contained a provision (sec. 652) that would clarify that the competitive contracting requirements for procuring personal telephone services in combat zones established in section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) apply to unofficial calling centers provided by a nonappropriated fund activity and do not apply to wireless cell phone services.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Feasibility study on establishment of full exchange store in the Northern Mariana Islands (sec. 642)

The House bill contained a provision (sec. 653) that would require the Secretary of Defense to conduct a study to determine the feasibility of establishing a full-service exchange store to support the members and dependents within the military community residing in the Northern Mariana Islands.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary to submit within 180 days of the enactment of this Act the results of a study to determine the feasibility of establishing a full-service exchange store in the Northern Mariana Islands in accordance with existing Department of Defense policy.

Continuation of commissary and exchange operations at Brunswick Naval Air Station, Maine (sec. 643)

The House bill contained a provision (sec. 654) that would require the Secretary of Defense to provide for the continued operation through September 30, 2011, of each commissary or exchange store serving Brunswick Naval Air Station, Maine. The provision would also prohibit the Secretary from taking any action to reduce or terminate the sale of goods at such stores during fiscal year 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to provide for the continued operation of commissary or exchange stores serving Brunswick Naval Air Station, Maine, through the later of: the closure of the Naval Air Station; or 60 days after the

Secretary has made a determination regarding the closure of the military resale stores based on a review beginning not earlier than 120 days after the enactment of this Act of any report prepared by the Comptroller General relating to commissary or exchange operations at Brunswick Naval Air Station.

Subtitle F-Other Matters

Report on basic allowance for housing for personnel assigned to sea duty (sec. 651)

The Senate committee-reported bill contained a provision (sec. 605) that would direct the Secretary of Defense to submit to the congressional defense committees by July 1, 2011, a report assessing the standards used to determine eligibility for and level of compensation of basic allowance for housing for married and single personnel assigned to sea duty, with and without dependents.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Report on savings from enhanced management of special pay for aviation career officers extending period of active duty (sec. 652)

The House bill contained a provision (sec. 617) that would amend section 301b of title 37, United States Code, to require that officers transferring from one armed force to another receive the same aviation continuation pay (ACP) as other officers in that armed force with the same years of aviation service performing similar aviation duties notwithstanding any additional active-duty service obligation incurred as a result of the transfer.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the Secretary of Defense to review the use and management of ACP, including the payment of ACP to an officer serving under a pre-existing active-duty service obligation, and to report to the congressional defense committees by no later than August 1, 2011, on the results of this review.

Legislative Provision Not Adopted

Increase in maximum amount of special pay for duty subject to hostile fire or imminent danger or for duty in foreign area designated as an imminent danger area

The House bill contained a provision (sec. 618) that would amend section 310 of title 37, United States Code, to increase the maximum amount of hostile fire and imminent danger pay to \$260 per month.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

The Department of Defense's current policy is to pay hostile fire and imminent danger pay at the maximum statutory rate to all service members in a specified area. The Department determines in regulation which areas qualify. We are sensitive to the fact that some service members serve under much more difficult and dangerous circumstances than others, and that not all areas which qualify for hostile fire or imminent danger pay are equal. Service in certain areas of Iraq or Afghanistan, for instance, is qualitatively different from service in Qatar or Saudi Arabia.

Under its current implementation timeline, the Department is scheduled to implement section 351 of title 37, United States Code, in 2013. Section 351, enacted in 2008 as part of the consolidation of special and incentive pay authorities, authorizes hostile fire pay at the increased maximum rate of \$450 per month. We urge the Department to accelerate implementation of sections 351(b) (1) and (3) to 2011, and to consider implementing them in a tiered manner that recognizes the increased daily stress and exposure to danger experienced by those service members most engaged in the fight.

TITLE VII-HEALTH CARE PROVISIONS

Subtitle A-Improvements to Health Benefits

Extension of prohibition on increases in certain health care costs (sec. 701)

The House bill contained a provision (sec. 701) that would prohibit increasing the premium and copayment for TRICARE Prime, the charge for inpatient care for TRICARE Standard, and the premium for TRICARE Standard for members of the Selected Reserve until September 30, 2011.

The Senate committee-reported bill contained a provision (sec. 701) that would extend for 1 year the current limitation on charges for inpatient care in a civilian hospital under TRICARE Standard.

The agreement includes the House provision.

We are concerned about the growth of military health care costs, and note that the Department has not yet developed a comprehensive plan to enhance quality, efficiencies, and savings in the military health care system. We are encouraged that the Secretary of Defense continues to express a willingness to engage in a thoughtful dialogue with Congress to develop this comprehensive strategy, and expect to engage with the Department and with beneficiary organizations in the coming year to identify effective strategies to control costs so that this important quality of life benefit continues into the future.

Extension of dependent coverage under the TRICARE program (sec. 702)

The House bill contained a provision (sec. 702) that would allow TRICARE beneficiaries to extend health care coverage to dependent children up to age 26 so that TRICARE beneficiaries would have the same ability to extend coverage to dependent children afforded to others under the Patient Protection and Affordable Care Act (Public Law 111-148).

The Senate committee-reported bill contained a similar provision (sec. 702).

The agreement includes the Senate provision with a technical amendment.

Survivor dental benefits (sec. 703)

The House bill contained a provision (sec. 703) that would make dependent survivors eligible to enroll in the TRICARE dental program even if they were not enrolled prior to the death of their sponsor.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Aural screenings for members of the armed forces (sec. 704)

The House bill contained a provision (sec. 704) that would require members of the armed forces to receive pre- and post-deployment aural screenings, to include an assessment of tinnitus.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to conduct a study to identify the best tests currently available to screen service members for tinnitus, to develop a plan to ensure that

all service members are screened for tinnitus both pre- and post-deployment to a combat zone, and to submit a report on the study and plan. The amendment would also require the Secretary to examine and submit a report on methods to improve aural protection for service members in combat, and require the Secretary to ensure that all studies, findings, plans, and reports are forwarded to the center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries established in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program (sec. 705)

The House bill contained a provision (sec. 705) that would extend for 1 year the limitation on cost sharing requirements for drugs provided through the TRICARE retail pharmacy program to amounts not more than \$3 for generic drugs, \$9 for formulary drugs, and \$22 for non-formulary drugs.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle B-Health Care Administration

Administration of TRICARE (sec. 711)

The House bill contained a provision (sec. 711) that would amend section 1073 of title 10, United States Code, to state that except as otherwise provided in chapter 55 of title 10, United States Code, the Secretary of Defense has sole responsibility for administering the TRICARE program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Postdeployment health reassessments for purposes of the medical tracking system for members of the armed forces deployed overseas (sec. 712)

The Senate committee-reported bill contained a provision (sec. 711) that would require that postdeployment health reassessments be included in the medical tracking system and quality assurance program for members deployed overseas. The provision would also require that the results of medical

examinations conducted under the system include information on the prescription and administration of psychotropic medications.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Clarification of licensure requirements applicable to military health-care professionals who are members of the National Guard performing certain duty while in state status (sec. 713)

The House bill contained a provision (sec. 713) that would amend section 1094(d) of title 10, United States Code, to authorize certain National Guard personnel with a current health care license to provide health care while performing training or duty under title 32, United States Code, in response to an actual or potential disaster.

The Senate committee-reported bill contained a similar provision (sec. 716).

The agreement includes the Senate provision.

Improvements to oversight of medical training for Medical Corps officers (sec. 714)

The House bill contained a provision (sec. 715) that would require the Secretary of Defense to conduct a review of training programs for military Medical Corps officers to ensure that their academic and military performance has been completely documented in their military personnel records.

The Senate committee-reported bill contained a provision (sec. 542) that would require the Secretary of Defense to report annually on the status of graduate medical education programs of the Department of Defense.

The agreement includes the House provision with an amendment to include the Senate provision.

Health information technology (sec. 715)

The House bill contained a provision (sec. 718) that would require the Secretary of Defense to conduct an enterprise risk assessment methodology study of all Department of Defense (DOD) health information technology programs.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to conduct an enterprise risk assessment methodology study of all DOD health information technology programs. The amendment would

also require the Secretary to submit a report to the congressional defense committees on the organizational structure of and future plans for all DOD health information technology systems, to conduct a survey of the users of those systems, and to report on the status of implementing the recommendations made by the Comptroller General in the report titled "Information Technology: Opportunities Exist to Improve Management of DOD's Electronic Health Record Initiative" (GAO-11-50).

Education and training on use of pharmaceuticals in rehabilitation programs for wounded warriors (sec. 716)

The Senate committee-reported bill contained a provision (sec. 717) that would require the Secretary of Defense to develop and implement education and training programs on the use of pharmaceuticals for patients in or in transition to a wounded warrior unit, medical caregivers, medical case managers, nonmedical case managers, military leaders, and family members.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require education and training programs on the use of pharmaceuticals for patients in or in transition to a wounded warrior unit, nonmedical case managers, military leaders, and family members. The amendment would also require the Secretary to review all Department of Defense policies and procedures regarding the use of pharmaceuticals in rehabilitation programs for seriously ill or injured service members.

Subtitle C-Other Matters

Repeal of report requirement on separations resulting from refusal to participate in anthrax vaccine immunization program (sec. 721)

The Senate committee-reported bill contained a provision (sec. 732) that would amend section 1178 of title 10, United States Code, to remove the requirement that the Secretary of Defense report annually to the Committees on Armed Services of the Senate and the House of Representatives on the numbers of service members separated from the service for refusal to participate in the anthrax vaccine immunization program.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Comprehensive policy on consistent neurological cognitive assessments of members of the armed forces before and after

deployment (sec. 722)

The House bill contained a provision (sec. 722) that would require the Secretary of Defense to implement a comprehensive policy on neurocognitive assessments for all members of the military who are preparing to deploy or have returned from deployment.

The Senate committee-reported bill contained a provision (sec. 712) that would require the Secretary of Defense to develop and implement a comprehensive policy on consistent automated neurological cognitive assessments of all service members who are preparing to deploy and all members who have returned from deployment and have experienced an event which could result in traumatic brain injury or a concussion.

The agreement includes the Senate provision with an amendment that would require the Secretary to develop and implement a comprehensive policy on consistent neurological cognitive assessments of service members before and after deployment.

Assessment of post-traumatic stress disorder by military occupation (sec. 723)

The House bill contained a provision (sec. 725) that would require the Secretary of Defense to conduct an assessment of post-traumatic stress disorder incidence by military occupation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the secretaries of the military departments to each conduct an assessment of post-traumatic stress disorder incidence by military occupation. The amendment would also require the secretaries of the military departments to provide a copy of any assessments, studies, findings, plans, and reports to the centers of excellence established by sections 1621 and 1622 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

Licensed mental health counselors and the TRICARE program (sec. 724)

The House bill contained a provision (sec. 729) that would express the sense of Congress that the Secretary of Defense should implement the recommendations made by the Institute of Medicine in its congressionally-mandated report regarding the credentials, preparation, and training of licensed mental health counselors in order for them to practice independently under the

TRICARE program, as well as the study's recommendations regarding TRICARE's implementation of a comprehensive quality management system for all of its mental health professionals.

The Senate committee-reported bill contained a provision (sec. 703) that would include licensed mental health counselors in the list of providers who are authorized to diagnose and treat patients under the TRICARE program. The provision would also require the Secretary of Defense to issue regulations setting forth the specific requirements that such counselors must meet in order to practice independently under TRICARE.

The agreement includes the Senate provision with an amendment that would require the Secretary of Defense to issue regulations in accordance with section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) no later than June 20, 2011.

TITLE VIII-ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A-Acquisition Policy and Management

Disclosure to litigation support contractors (sec. 801)

The House bill contained a provision (sec. 801) that would amend section 2320 of title 10, United States Code, to address the protections applicable when non-public information is disclosed to litigation support contractors.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Designation of engine development and procurement program as major subprogram (sec. 802)

The House bill contained a provision (sec. 802) that would require the Secretary of Defense 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, in accordance with section 2430a of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, amended to require that the Secretary designate an F-35 engine development and procurement program as a major subprogram.

Enhancement of Department of Defense authority to respond to combat and safety emergencies through rapid acquisition and deployment of urgently needed supplies (sec. 803)

The House bill contained a provision (sec. 804) that would enhance the acquisition flexibility provided to the Secretary of Defense to respond quickly to combat emergencies.

The Senate committee-reported bill contained a similar provision (sec. 835).

The agreement includes a provision combining elements of the House and Senate provisions.

Review of acquisition process for rapid fielding of capabilities in response to urgent operational needs (sec. 804)

The Senate committee-reported bill contained a provision (sec. 811) that would require the Secretary of Defense to develop a new acquisition process for rapid fielding of capabilities in response to urgent operational needs.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the Secretary to revise and update existing processes for the rapid fielding of capabilities in response to urgent operational needs.

Acquisition of major automated information system programs (sec. 805)

The Senate committee-reported bill contained a provision (sec. 812) that would codify planning and oversight requirements for major automated information system (MAIS) programs.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to ensure that resources and infrastructure for the test and evaluation of MAIS programs are appropriately addressed.

Requirements for information relating to supply chain risk (sec. 806)

The Senate committee-reported bill contained a provision (sec. 815) that would authorize the head of an agency to take certain actions to address supply chain risk in the acquisition

of national security systems.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to clarify the determinations required before the head of an agency may act, the circumstances in which such determinations may be made, and the scope of the actions that may be taken pursuant to such determinations.

Subtitle B-Provisions Relating to Major Defense Acquisition Programs

Cost estimates for program baselines and contract negotiations for major defense acquisition and major automated information system programs (sec. 811)

The Senate committee-reported bill contained a provision (sec. 802) that would amend section 2334 of title 10, United States Code, to clarify that cost estimates developed for baseline descriptions and budgetary purposes are not appropriate for use in contract negotiations and the obligation of funds.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

We expect the next annual report prepared by the Director of Cost Assessment and Performance Evaluation to include an assessment of whether and to what extent personnel responsible for cost estimates developed for major defense acquisition programs by military departments and defense agencies are independent and the impact that any lack of independence may have on the quality and reliability of such cost estimates.

Management of manufacturing risk in major defense acquisition programs (sec. 812)

The Senate committee-reported bill contained a provision (sec. 803) that would require the Secretary of Defense to issue guidance on the management of manufacturing risk in major defense acquisition programs.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Modification and extension of requirements of Weapon Systems Acquisition Reform Act of 2009 (sec. 813)

The Senate committee-reported bill contained a provision

(sec. 804) that would extend by 5 years certain reporting requirements under section 102 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23). The bill contained a second provision (sec. 806) that would make technical and clarifying amendments to the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23).

The House bill contained no similar provisions.

The agreement includes the Senate provisions with an amendment that would merge the two provisions into a single section and extend the reporting requirements for 3 years.

Inclusion of major subprograms to major defense acquisition programs under various acquisition-related requirements (sec. 814)

The House bill contained a provision (sec. 803) that would clarify the applicability of a number of acquisition statutes to major subprograms to major defense acquisition programs.

The Senate committee-reported bill contained a similar provision (sec. 805).

The agreement includes a provision combining elements of the House and Senate provisions.

Subtitle C-Amendments to General Contracting Authorities, Procedures, and Limitations

Provisions relating to fire resistant fiber for production of military uniforms (sec. 821)

The House bill contained a provision (sec. 811) that would extend to 2021 the authority in section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) for the Department of Defense to procure fire resistant rayon fiber that is manufactured in a foreign country under certain circumstances.

The Senate committee-reported bill contained a provision (sec. 856) that would require a comprehensive study of the issue.

The agreement includes the House provision with an amendment that would extend the authority in section 829 for 2 years and require a comprehensive study of the issue.

Repeal of requirement for certain procurements from firms in the small arms production industrial base (sec. 822)

The House bill contained a provision (sec. 812) that would amend section 2473 of title 10, United States Code.

The Senate committee-reported bill contained a provision (sec. 817) that would repeal section 2473 of title 10, United States Code.

The agreement includes the Senate provision.

Review of regulatory definition relating to production of specialty metals (sec. 823)

The House bill contained a provision (sec. 813) that would define the term "produced" for the purposes of section 2533b of title 10, United States Code, relating to the production of specialty metals within the United States.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the Secretary of Defense to review and, if necessary, revise the definition of the term "produced" currently included in the regulations implementing section 2533b to ensure that the definition is consistent with the language of the statute and congressional intent in enacting the provision.

Guidance relating to rights in technical data (sec. 824)

The Senate committee-reported bill contained a provision (sec. 832) that would require the Secretary of Defense to revise guidance on rights in technical data to promote competition and ensure that the United States is not required to pay more than once for the same technical data.

The House bill contained no similar provision.

The agreement includes the provision with a clarifying amendment.

Extension of sunset date for certain protests of task and delivery order contracts (sec. 825)

The Senate committee-reported bill contained a provision (sec. 833) that would eliminate the sunset date in section 2304c of title 10, United States Code, which authorizes bid protests of certain task and delivery orders issued under Department of Defense contracts.

The House bill contained no similar provision.

The agreement includes the provision with an amendment extending the sunset date for an additional 5 years.

Inclusion of option amounts in limitations on authority of the

Department of Defense to carry out certain prototype projects (sec. 826)

The Senate committee-reported bill contained a provision (sec. 834) that would amend section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) to clarify that dollar limitations on the size of other transactions under that section include option amounts.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Permanent authority for Defense Acquisition Challenge Program; pilot expansion of Program (sec. 827)

The House bill contained a provision (sec. 831) that would amend section 2359b of title 10, United States Code, to extend the Defense Acquisition Challenge Program for 5 years, to 2017. The House bill contained a second provision (sec. 408 of division D) that would establish a new program, similar to the Challenge Program, focused on non-developmental items.

The Senate committee-reported bill contained a provision (sec. 813) that would eliminate the sunset date for the Challenge Program, making the program permanent.

The agreement includes a provision that would make the Challenge Program permanent and amend the program to ensure that it covers the non-developmental items addressed in section 408 of division D of the House bill.

Energy savings performance contracts (sec. 828)

The House bill contained a provision (sec. 832) that would clarify the manner in which competition requirements applicable to multiple award task and delivery order contracts apply to energy savings performance contracts (ESPC).

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision.

We note that section 8287 of title 42, which provides the authority for ESPCs, provides for the use of such contracts "solely for the purpose of achieving energy savings and benefits ancillary to that purpose." The Department of Defense does not construct new buildings or facilities "solely for the purpose of achieving energy savings and benefits ancillary to that purpose." Accordingly, ESPC contracts may not be used for the construction of new buildings or facilities. We expect the Department of Defense to comply with requirements applicable to

military construction programs in the construction of all new buildings and facilities.

Definition of materials critical to national security (sec. 829)

The House bill contained a provision (sec. 834) that would amend section 187 of title 10, United States Code, to define the term "materials critical to national security".

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision with an amendment incorporating additional clarifying changes to section 187.

Subtitle D-Contractor Matters

Oversight and accountability of contractors performing private security functions in areas of combat operations (sec. 831)

The Senate committee-reported bill contained a provision (sec. 842) that would establish new oversight and accountability mechanisms for contractors performing private security functions in areas of combat operations.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Extension of regulations on contractors performing private security functions to areas of other significant military operations (sec. 832)

The House bill contained a provision (sec. 845) that would require the Secretary of Defense, in coordination with the Secretary of State, to issue regulations to extend and apply the requirements of Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to the Horn of Africa, Yemen, the Philippines, Haiti, and other areas in which significant military operations are conducted.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment extending the regulations to areas of other significant military operations that are designated by the Secretary of Defense. The provision would require the concurrence of the Secretary of State before extension of the regulations to such areas. The provision would also allow, by agreement of the Secretaries, non-profit nongovernmental organizations operating in areas of other significant military

operations to be exempted from the regulations. The provision would define other significant military operations as activities, other than combat operations, that are carried out by U.S. Armed Forces in an uncontrolled or unpredictable high-threat environment where personnel performing security functions may be called upon to use deadly force.

Section 862 would be unchanged as to its applicability to areas of combat operations. In particular, the applicability of the regulations in such areas would not require the concurrence of the Secretary of State and the exemption for nongovernmental organizations would not be available in such areas.

*Standards and certification for private security contractors
(sec. 833)*

The House bill contained a provision (sec. 324) that would require the Secretary of Defense to establish third-party certification of adherence to specified operational and business practice standards as a condition for award of certain contracts for private security functions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment giving the Secretary flexibility to review proposed standards and certification processes and act in the best interests of the Department of Defense. Regardless of the outcome of this review, we expect the Department to develop and implement operational and business practice standards for private security contractors in full compliance with the requirements of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

Enhancements of authority of Secretary of Defense to reduce or deny award fees to companies found to jeopardize the health or safety of government personnel (sec. 834)

The Senate committee-reported bill contained a provision (sec. 843) that would establish a process pursuant to which conduct by a contractor which results in the death or serious injury of U.S. Government personnel may be considered in the evaluation of contractor performance even in the absence of a judicial determination of fault.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment clarifying that the process may be used only where the Secretary has reason to believe that the contractor's action is not subject to the jurisdiction of United States courts.

Annual joint report and Comptroller General review on contracting in Iraq and Afghanistan (sec. 835)

The House bill contained a provision (sec. 822) that would amend section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to require the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development to submit a joint annual report to Congress on contracting in Iraq and Afghanistan. The provision would also require an annual review of the joint report by the Comptroller General.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify the matters covered by the joint report.

Subtitle E-Other Matters

Improvements to structure and functioning of Joint Requirements Oversight Council (sec. 841)

The House bill contained a provision (sec. 102 of division D) that would update section 181 of title 10, United States Code, to improve the structure and functioning of the Joint Requirements Oversight Council.

The Senate committee-reported bill contained a similar provision (sec. 801).

The agreement includes the Senate provision.

Department of Defense policy on acquisition and performance of sustainable products and services (sec. 842)

The House bill contained a provision (sec. 833) that would require the Secretary of Defense to develop and issue guidance on the consideration of sustainable practices in the procurement of products and services.

The Senate committee-reported bill contained a provision (sec. 816) that would require the Secretary to report to the congressional defense committees on steps taken to meet the requirements established in Executive Order 13514 for the procurement of sustainable products and services.

The agreement includes the Senate provision with an amendment streamlining the reporting requirements. We note that the Secretary of Defense issued a Strategic Sustainability Performance Plan in August 2010 that meets the requirements of

the House provision.

Assessment and plan for critical rare earth materials in defense applications (sec. 843)

The House bill contained a provision (sec. 835) that would require the Secretary of Defense to undertake an assessment of the supply chain for rare earth materials and develop plans for the assured supply of critical rare earth materials that could be subject to interruption of supply based on actions outside the control of the United States Government. The House bill contained a second provision (sec. 840) that would require the Department of Defense to develop a plan to develop a secure supply chain for sintered neodymium iron boron magnets.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provisions with an amendment that would combine the two provisions into a single section and require that the Secretary's assessment and plan for critical rare earth materials specifically address sintered neodymium iron boron magnets.

Review of national security exception to competition (sec. 844)

The House bill contained a provision (sec. 836) that would require the Secretary of Defense to review the implementation of the national security exception to full and open competition and draft new regulations that account for the findings of the review.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the Government Accountability Office to review the implementation of the national security exception. We expect the examination of possible additional uses in this review to consider, at a minimum, a review of any legislative proposals to establish national security-related exceptions to full and open competition that have been submitted to the Department of Defense's Office of Legislative Counsel in the 5 years preceding the date of enactment of this Act.

Requirement for entities with facility clearances that are not under foreign ownership control or influence mitigation (sec. 845)

The House bill contained a provision (sec. 838) that would require entities with facility clearances that are not subject

to foreign ownership control or influence (FOCI) mitigation to establish government security committees to ensure compliance with the requirements of the national industrial security program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Secretary of Defense to develop a plan to ensure compliance with the national industrial security program by entities with facility clearances that are not subject to FOCI mitigation. In developing the plan, the Secretary would be required to consider whether or not such entities, or any category of such entities, should be required to establish government security committees.

Procurement of photovoltaic devices (sec. 846)

The House bill contained a provision (sec. 846) that would require each Department of Defense contract for the procurement of photovoltaic devices - including energy savings performance contracts, utility service contracts, land leases, and private housing contracts - to include a provision requiring compliance with the Buy American Act (41 U.S.C. 10a et seq.).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the inclusion of the clause in contracts only if those contracts will result in the ownership of photovoltaic devices by the Department of Defense. The provision would also clarify that exceptions applicable to Buy American requirements would apply to such contracts.

Non-availability exception from Buy American requirements for procurement of hand or measuring tools (sec. 847)

The Senate committee-reported bill contained a provision (sec. 852) that would amend section 2533a of title 10, United States Code (known as the "Berry amendment"), to clarify that the non-availability exception in that section applies to hand and measuring tools.

The House bill contained no similar provision.

The agreement includes the provision.

Contractor logistics support of contingency operations (sec. 848)

The Senate committee-reported bill contained a provision

(sec. 857) that would require the Defense Science Board (DSB) to conduct a comprehensive review of issues arising in contractor logistics support of contingency operations. The provision would also require that the Quadrennial Defense Review (QDR) and other military planning documents address the expected roles and responsibilities of contractors in military operations.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment requiring the DSB to conduct a comprehensive review of the full range of issues arising in contractor logistics support of contingency operations, including the extent to which the QDR and other military planning documents should address the roles and responsibilities of contractors.

Subtitle F-Improve Acquisition Act

Short title (sec. 860)

The House bill contained a provision (sec. 100A of division D) that would provide the short title for the acquisition improvement bill incorporated into the House bill.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Part I-Defense Acquisition System

Improvements to the management of the defense acquisition system (sec. 861)

The House bill contained a provision (sec. 101 of division D) that would: (1) codify certain requirements for the defense acquisition system; (2) require periodic performance assessments for elements of the defense acquisition system; and (3) codify the acquisition-related functions of the chiefs of staff of the armed forces.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would: (1) codify a definition of the defense acquisition system and the responsibility of the Under Secretary of Defense for Acquisition, Technology, and Logistics and the service acquisition executives for the management of the defense acquisition system; (2) codify the acquisition-related functions of the chiefs of staff of the armed forces; and (3) require periodic performance assessments for elements of the defense

acquisition system.

Comptroller General report on Joint Capabilities Integration and Development System (sec. 862)

The House bill contained three provisions addressing requirements for major defense acquisition programs: a provision (sec. 825) that would require two reports on the Joint Capabilities Integration and Development System (JCIDS) of the Department of Defense; a provision (sec. 103 of division D) that would require certain changes to JCIDS; and a provision (sec. 105 of division D) that would require the establishment of a joint evaluation task force for each joint military requirement involving a materiel solution.

The Senate committee-reported bill contained no similar provision.

The agreement includes a single provision that would require a report by the Government Accountability Office addressing the issues raised by section 825. The report would also address the feasibility and advisability of the changes to JCIDS as contemplated by section 103 and the establishment of joint evaluation task forces as contemplated by section 105.

Requirements for the acquisition of services (sec. 863)

The House bill contained a provision (sec. 104 of division D) that would require the Secretary of Defense to ensure that each military department establishes a process for establishing requirements for the acquisition of contract services.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, with an amendment to distinguish between the processes applicable to contract services in support of combatant commands and military operations, and other categories of contract services.

Review of defense acquisition guidance (sec. 864)

The House bill contained a provision (sec. 106 of division D) that would require the Secretary of Defense to review the acquisition guidance of the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Requirement to review references to services acquisition

throughout the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement (sec. 865)

The House bill contained a provision (sec. 107 of Division D) that would require that the Federal Acquisition Regulation (FAR) be revised to incorporate appropriate references to services acquisition.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, with an amendment that would require the Secretary of Defense, in coordination with the Administrator for Federal Procurement Policy and other appropriate agency heads, to review the FAR and the Defense Supplement to the FAR and make recommendations as to any changes that may be needed to ensure appropriate guidance for and references to services acquisition.

As highlighted in the report of the Committee on Armed Services of the House of Representatives' Panel on Defense Acquisition Reform, "services acquisitions require at least the same level of discipline as weapon systems acquisition. Such discipline is critical for planning, requirements definition, market research, price reasonableness determinations, and project management and oversight." While the FAR now includes references to the term "services," a review focused on services acquisition throughout the FAR would enhance and support the procurement and project management community in all aspects of the acquisition planning process.

Pilot program on acquisition of military purpose nondevelopmental items (sec. 866)

The House bill contained a provision (sec. 108 of division D) that would establish procedures for the procurement of military purpose nondevelopmental items.

The Senate committee-reported bill contained a provision (sec. 831) that would establish a pilot program on acquisition of military purpose nondevelopmental items.

The agreement includes the Senate provision with a clarifying amendment.

Part II-Defense Acquisition Workforce

Acquisition workforce excellence (sec. 871)

The House bill contained a provision (sec. 201 of division D) that would require the Department of Defense to use existing workforce authorities to build the capabilities and skills of

the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Amendments to the acquisition workforce demonstration project (sec. 872)

The House bill contained a provision (sec. 202 of division D) that would codify the acquisition workforce demonstration project established pursuant to section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-108), and extend the demonstration project to 2017.

The Senate committee-reported bill contained a provision (sec. 851) that would extend the demonstration project to 2017.

The agreement includes the House provision with a clarifying amendment.

Career development for civilian and military personnel in the acquisition workforce (sec. 873)

The House bill contained a provision (sec. 204 of division D) that would require the Secretary of Defense to ensure the development of career paths for military and civilian personnel in the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision with an amendment to streamline certain reporting requirements.

Recertification and training requirements (sec. 874)

The House bill contained a provision (sec. 205 of division D) that would require the Secretary of Defense to establish recertification and training requirements for the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, with an amendment deleting the reference to training provided by private sector contractors.

In general, the Defense Acquisition University (DAU) is responsible for providing and monitoring training for the Department's acquisition workforce. DAU approves additional training providers based on review by the American Council on Education to ensure that the provider is capable of meeting DAU

standards. We expect DAU to continue to use public and private resources to train the acquisition workforce, as appropriate.

Information technology acquisition workforce (sec. 875)

The House bill contained a provision (sec. 206 of division D) that would require the Secretary of Defense to develop and carry out a plan to strengthen the part of the acquisition workforce that specializes in information technology.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Definition of acquisition workforce (sec. 876)

The House bill contained a provision (sec. 207 of division D) that would provide for the general applicability of the existing statutory definition of the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Defense Acquisition University curriculum review (sec. 877)

The House bill contained a provision (sec. 208 of division D) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to review and validate the curriculum of the Defense Acquisition University.

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision.

Part III-Financial Management

Audit readiness of financial statements of the Department of Defense (sec. 881)

The House bill contained two provisions (sec. 301 and 302 of division D) that are designed to ensure that the Department of Defense achieves the objective of having financial statements that are validated as ready for audit by September 30, 2017, as required by section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the

Under Secretary of Defense (Comptroller) to: (1) establish interim milestones for achieving audit readiness; and (2) review and report to Congress on options for providing incentives to the military departments, defense agencies, and defense field activities to achieve financial statements validated as ready for audit by September 30, 2017.

The Chief Financial Officers Act of 1990 (Public Law 101-576) required all federal agencies to achieve auditable financial statements. Twenty years later, the Department of Defense (DOD) remains one of the few federal agencies that has not yet achieved this objective. Indeed, not one of the major DOD components has yet achieved an auditable financial statement. Moreover, the DOD approach to business transformation, DOD business systems modernization, and DOD financial management all remain on the "high risk" list of at-risk programs compiled by the Government Accountability Office.

For these reasons, we conclude that the Department of Defense must give a higher priority to its business transformation and financial management objectives, and that concrete milestones are required to ensure that senior DOD officials can be held accountable for their efforts to reach these objectives.

Review of obligation and expenditure thresholds (sec. 882)

The House bill contained a provision (sec. 303 of division D) that would require two reviews of obligation and expenditure benchmarks used by the Department of Defense (DOD).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment requiring only one review and report.

We believe that DOD program managers should be encouraged to place a higher priority on seeking the best value for the Department and the taxpayer than on meeting arbitrary benchmarks for spending. The review and report required by this section is intended to ensure that obligation and expenditure benchmarks do not inadvertently prevent the Department from achieving the best value possible in the obligation and expenditure of funds.

Disclosure and traceability of the cost of Department of Defense health care contracts (sec. 883)

The House bill contained a provision (sec. 304 of division D) that would require each offeror on a Department of Defense health care contract to submit with its bid or proposal a disclosure of the additional cost contained in the bid or

proposal as a result of health care reform legislation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment to require a one-time study and report on added costs.

Part IV-Industrial Base

Expansion of the industrial base (sec. 891)

The House bill contained a provision (sec. 401 of division D) that would require the Secretary of Defense to establish a program to expand the Department of Defense industrial base to increase the Department's access to innovation and the benefits of competition.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Price trend analysis for supplies and equipment purchased by the Department of Defense (sec. 892)

The House bill contained a provision (sec. 402 of division D) that would amend section 803 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) to extend the requirement for commercial price trend analysis.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying the requirement for price trend analysis and expanding the requirement to the full range of supplies and equipment purchased by the Department of Defense.

Contractor business systems (sec. 893)

The House bill contained a provision (sec. 404 of division D) that would address contract audits and business system reviews conducted by the Department of Defense. The House provision would also establish an independent Office of General Counsel within the Defense Contract Audit Agency (DCAA).

The Senate committee-reported bill contained a provision (sec. 841) that would require the Secretary of Defense to develop a program for the improvement of contractor business systems.

The agreement includes the Senate provision, with an

amendment requiring the Secretary of Defense to ensure that appropriate legal resources are provided to DCAA in a manner that is consistent with DCAA's need to maintain audit independence. When DCAA faces a critical legal issue relating to the independence of its audit function, we believe it would be appropriate for DCAA to seek advice from the General Counsel to the Inspector General of the Department of Defense (DOD IG), and for the General Counsel to the DOD IG to provide such advice.

The Government Accountability Office recommended that DCAA take a risk-based approach to contract audits and reform its processes to focus on performing quality audits that meet generally accepted government accounting standards. We concur with these recommendations, note that the Department also concurred, and expect that the Department will continue with its implementation of these reforms.

Review and recommendations on eliminating barriers to contracting with the Department of Defense (sec. 894)

The House bill contained a provision (sec. 405 of division D) that would require the Secretary of Defense to establish a blue ribbon panel of business owners who are not traditional Department of Defense (DOD) contractors to make recommendations for eliminating barriers to contracting with the Department.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the DOD Director of Small Business Programs, after reaching out to a wide range of non-traditional contractors, to review and report on steps that could be taken to address such barriers.

Inclusion of providers of services and information technology in the national technology and industrial base (sec. 895)

The House bill contained a provision (sec. 406 of division D) that would amend section 2500 of title 10, United States Code, to include the providers of contract services and information technology in the definition of the national technology and industrial base.

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision with a technical amendment.

Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy; Industrial Base Fund (sec. 896)

The House bill contained a provision (sec. 410 of division D) that would establish an Industrial Base Council and an Industrial Base Fund in the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would establish statutory authorities for the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and provide for an Industrial Base Fund.

Legislative Provisions Not Adopted

Clothing allowance requirement

The House bill contained a provision (sec. 501 of division D) that would require a review and evaluation of whether items purchased under section 418 of title 37, United States Code, should be considered subject to section 2533a of title 10, United States Code (popularly known as the "Berry Amendment").

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We understand that the Department of Defense changed its policy with regard to the purchase of footwear in recent years, to provide members of the armed forces with an increased clothing allowance, rather than purchasing footwear on their behalf. The Department is directed to report to the Committees on Armed Services of the Senate and the House of Representatives by March 31, 2011 on the rationale for this change in policy.

Cost estimating internship and scholarship programs

The House bill contained a provision (sec. 209 of division D) that would require the Secretary of Defense to develop internship and scholarship programs in cost estimating.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The Defense Acquisition Workforce Improvement Act (chapter 87, title 10, United States Code) already provides the Department of Defense with the authority to establish internship and scholarship programs for highly qualified individuals to prepare them for entry into the acquisition workforce. We urge the Department of Defense to take advantage of this authority to assist in the recruitment and training of the highly-qualified cost estimators that the Department needs. According to

testimony provided to the House of Representatives Panel on Defense Acquisition Reform, sound cost estimating is essential to the acquisition process and should be considered a core acquisition function. The use of internship and scholarship programs in this area would benefit the acquisition process.

Debarment of BP and its subsidiaries

The House bill contained a provision (sec. 849) that would require the Secretary of Defense to determine whether BP or its subsidiaries should be debarred from contracting with the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

Several reviews are currently under way to determine what went wrong and who was responsible for the catastrophic oil spill in the Gulf of Mexico earlier this year. It appears that actions and inactions by a number of entities may have contributed to the failures that led to the spill. To the extent that gross negligence or misconduct by any Department of Defense contractor is found to have played a significant role in the disaster, we expect the Department of Defense to review the matter and determine whether suspension, debarment, or any other contract action is required to protect the interests of the Department and the taxpayer.

Incentive programs for civilian and military personnel in the acquisition workforce

The House bill contained a provision (sec. 203 of division D) that would require the Secretary of Defense to develop an enhanced system of incentives to promote excellence in the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

Section 9902(a) of title 5, United States Code, as added by section 1113(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), created a Department of Defense Civilian Workforce Incentive Fund and directed the Secretary of Defense to develop a new system of performance management and workforce incentives to connect pay, promotions, and awards to performance for the civilian workforce of the Department of Defense. We expect the Department of Defense to fully utilize this authority, and to give special consideration to high performing individuals within the acquisition workforce.

Penalties for not providing information to contractor databases on Iraq and Afghanistan

The House bill contained a provision (sec. 852) that would require the establishment of penalties for contractors who fail to comply with the requirement to provide information for databases on contractor personnel in Iraq and Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We recognize that the information in the contractor personnel database required by section 861 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) remains far from complete. We expect the Department of Defense to develop a plan of action, including appropriate penalties and incentives, to ensure contractor compliance with applicable data requirements.

Prohibition on contracts with entities engaging in commercial activity in the energy sector of Iran

The House bill contained a provision (sec. 805) that would prohibit the Secretary of Defense from entering into any contract with an entity that engages in commercial activity in the energy sector of the Islamic Republic of Iran.

The Senate committee-reported bill contained a similar provision (sec. 818) that would prohibit the Department of Defense from entering into any contract unless the person or entity certifies to the Secretary of Defense that the person or entity is not in violation of any sanctions laws related to the Islamic Republic of Iran.

Subsequent to the actions of the Committees on Armed Services of the Senate and the House of Representatives the Comprehensive Iran Sanctions and Divestment Act (CISADA, Public Law 111-195) was enacted. This law is a more comprehensive approach to the problems addressed in either the House or Senate-committee provisions. As a result, the goals of these two provisions have been achieved with the passage of the CISADA.

Sense of Congress regarding cost savings through reductions in waste, fraud, and abuse

The House bill contained a provision (sec. 841) that would express the sense of Congress that: (1) the Department of Defense could achieve significant cost savings through

reductions in waste, fraud, and abuse, particularly with regard to contracting processes; and (2) the Department should establish a high priority for the implementation of open recommendations of Government Accountability Office (GAO) reports.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We agree that the Department of Defense could achieve significant cost savings through improved management of its acquisition and contracting processes, better decisions on what to buy and how to buy it, and the elimination of waste, fraud, and abuse. Many GAO reports include constructive recommendations on steps that the Department could take to address these problems. We urge the Department to implement such recommendations.

TITLE IX-DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A-Department of Defense Management

Reorganization of Office of the Secretary of Defense to carry out reduction required by law in number of Deputy Under Secretaries of Defense (sec. 901)

The House bill contained a provision (sec. 902) that would amend certain provisions of title 10, United States Code, to implement changes in the organizational structure of the Office of the Secretary of Defense recommended by the Department of Defense in response to the requirements of section 906 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained a similar provision (sec. 902).

The agreement includes the Senate provision with an amendment clarifying responsibility within the Office of the Secretary of Defense for matters relating to Prisoners of War and missing personnel.

Subtitle B-Space Activities

Integrated space architectures (sec. 911)

The House bill contained a provision (sec. 911) that would

require the Secretary of Defense and the Director of National Intelligence to maintain the capability to conduct integrated national security space architecture planning, development, coordination, and analysis.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense and the Director of National Intelligence to develop an integrated process for national security space architecture planning, development, coordination, and analysis. This process would be coordinated with the relevant activities of the military departments and the intelligence community.

Limitation on use of funds for costs of terminating contracts under the National Polar-Orbiting Operational Environmental Satellite System program (sec. 912)

The Senate committee-reported bill contained a provision (sec. 911) that would prohibit the Secretary of Defense from using any funds available for the National Polar-orbiting Operational Environmental Satellite System from being used to pay termination costs until there is an agreement that any termination costs will be equally divided between the Department of Defense and the Department of Commerce.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Limitation on use of funds for purchasing Global Positioning System user equipment (sec. 913)

The Senate committee-reported bill contained a provision (sec. 912) that would prohibit funds available to the Department of Defense (DOD) from being used to purchase Global Positioning System (GPS) user equipment unless such equipment is capable of receiving the military code or "M" code, in which the DOD has made significant investments by deploying GPS satellites with M code capability to allow improved accessibility to GPS satellites and increase anti-jam and anti-spoof capabilities. The provision also includes authority to waive the requirement and would not apply to items such as cars and other commercial vehicles that come equipped with GPS receiver capability.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Plan for integration of space-based nuclear detection sensors (sec. 914)

The Senate committee-reported bill contained a provision (sec. 913) that would direct the Secretary of Defense in consultation with the Director of National Intelligence and the Administrator of the National Nuclear Security Administration to develop a plan for space-based nuclear detection sensors. The plan would set forth an integration plan for the sensors and lay out a path to comply with section 1065 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The provision would prohibit the Secretary of Defense from spending more than 75 percent of the funds available for the Space-Based Infrared System (SBIRS) from being obligated until the plan is submitted.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit the Secretary of Defense from spending more than 90 percent of the funds available for the SBIRS from being obligated until the plan is submitted.

Preservation of the solid rocket motor industrial base (sec. 915)

The Senate committee-reported bill contained a provision (sec. 914) that would set forth a series of findings dealing with the fragility of the solid rocket motor industrial base and the importance of coordination amongst federal agencies, particularly the National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD) to ensure the viability of that base. The provision would direct the Secretary of Defense, in consultation with the Administrator of NASA, to report on the impact of the cancellation of the NASA Constellation program on DOD mission requirements. The report would be due to the Committees on Armed Services of the Senate and the House of Representatives, the Senate Committees on Commerce, Science, and Transportation, and Appropriations, and the House of Representatives Committees on Energy and Commerce, and Appropriations, 180 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would strike the findings and clarify the appropriate congressional committees to receive the report.

Implementation plan to sustain solid rocket motor industrial base (sec. 916)

The Senate committee-reported bill contained a provision

(sec. 915) that would direct the Secretary of Defense to develop an implementation plan to sustain the solid rocket motor industrial base. Section 1078 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) directed the Secretary of Defense to develop recommendations to sustain the solid rocket motor industrial base. This provision would utilize the recommendations from that report as the foundation to develop an implementation plan and to identify the necessary funding to sustain the solid rocket motor industrial base.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Review and plan on sustainment of liquid rocket propulsion systems industrial base (sec. 917)

The Senate committee-reported bill contained a provision (sec. 916) that would direct the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, to review and develop a plan to sustain the liquid rocket propulsion system industrial base. The review would include actions necessary to support current systems and sustain intellectual and engineering capacity to support next-generation systems and engines. The plan would be due by June 1, 2011.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle C-Intelligence-Related Matters

Five-year extension of authority for Secretary of Defense to engage in commercial activities as security for intelligence collection activities (sec. 921)

The House bill contained a provision (sec. 921) that would extend for 5 years the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities.

The Senate committee-reported bill contained a provision (sec. 921) that would provide permanent authority to the Secretary of Defense for commercial cover operations.

The agreement includes the House provision.

Modification of attendees at proceedings of Intelligence, Surveillance, and Reconnaissance Integration Council (sec. 922)

The Senate committee-reported bill contained a provision

(sec. 922) that would allow the secretary of each military department to designate an officer or employee to attend the meetings of the Intelligence, Surveillance, and Reconnaissance (ISR) Integration Council. The provision also would delete the terms Joint Military Intelligence Program and Tactical Intelligence and Related Activities Program from the statute that established the ISR Integration Council and replace it with the term Military Intelligence Program.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Report on Department Of Defense interservice management and coordination of remotely piloted aircraft support of intelligence, surveillance, and reconnaissance (sec. 923)

The Senate committee-reported bill contained a provision (sec. 923) that would require that the Secretary of Defense produce a report consolidating data from the services and information on several Defense-wide activities that would address a number of issues regarding remotely-piloted aircraft systems and the intelligence, surveillance, and reconnaissance capabilities they provide or are intended to provide to the Department. The Secretary would be required to report to the congressional defense committees within 150 days of enactment of this Act.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that makes a technical clarification.

Report on requirements fulfillment and personnel management relating to Air Force intelligence, surveillance, and reconnaissance provided by remotely piloted aircraft (sec. 924)

The Senate committee-reported bill contained a provision (sec. 924) that would require that the Secretary of the Air Force produce a report to address a number of issues regarding the Air Force's management of various aspects of remotely-piloted aircraft systems and the intelligence, surveillance, and reconnaissance capabilities that these systems provide. The Secretary would be required to report to the congressional defense committees within 120 days of enactment of this Act.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle D—Cyber Warfare, Cyber Security, and Related Matters

Continuous monitoring of Department of Defense information systems for cybersecurity (sec. 931)

The Senate committee-reported bill contained a provision (sec. 931) that would require the Secretary of Defense to implement a set of information security controls on Department of Defense information networks and systems, and to automate the monitoring and reporting on those control measures.

The House bill contained no similar provision.

The agreement includes the Senate provision.

The Secretary of Defense is instructed to broaden the concept of automated monitoring and reporting of security controls and status to include real-time detection and reporting of intrusions and attacks, and automated response and remediation efforts, through such programs as the Host-Based Security System and the evolution of the Security Content Automation Protocols.

Strategy on computer software assurance (sec. 932)

The Senate committee-reported bill contained a provision (sec. 932) that would require the Secretary of Defense to develop and implement a strategy for assuring the security of software and software-based applications for all covered systems.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require that the strategy include mechanisms to ensure reciprocity between the military services and defense agencies regarding certification and accreditation processes.

Strategy for acquisition and oversight of Department of Defense cyber warfare capabilities (sec. 933)

The Senate committee-reported bill contained a provision (sec. 933) that would require the Secretary of Defense to develop a strategy and report to Congress on the rapid acquisition of tools, applications, and other capabilities for cyber warfare.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would (1) tie the required strategy to the overall information technology acquisition process being developed pursuant to section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84); (2)

require consultation in developing the strategy with the military services; and (3) require that the strategy address information sharing and collaboration with allies, other government organizations, academia, and the private sector.

Report on the cyber warfare policy of the Department of Defense (sec. 934)

The Senate committee-reported bill contained a provision (sec. 934) that would require the Secretary of Defense to report to Congress by March 1, 2011, on the cyber warfare policy of the Department of Defense.

The House bill contained a provision (sec. 1046) that would require the Secretary of Defense to conduct a study on the current and potential use of modeling and simulation tools and technology for cyber warfare, including for the purpose of developing deterrence strategies and capabilities.

The agreement includes the Senate provision with an amendment that would require the Secretary to include in the report the current and potential application of modeling and simulation to cyber warfare capabilities and deterrence.

Reports on Department of Defense progress in defending the Department of Defense and the defense industrial base from cyber events (sec. 935)

The Senate committee-reported bill contained a provision (sec. 935) that would require the Secretary of Defense to report annually through 2015 on the progress of the Department of Defense (DOD) in defending DOD and the defense industrial base from cyber attacks.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the Secretary to measure progress not just against a baseline but also in relation to Presidential directives and national cybersecurity strategies. The amendment also would require that the report include (1) a synopsis of damage assessments investigated by the Damage Assessment Management Office, and (2) known or suspected supply chain attacks.

Subtitle E-Other Matters

Two-Year extension of authorities relating to temporary waiver of reimbursement of costs of activities for nongovernmental personnel at Department of Defense Regional Centers for Security Studies (sec. 941)

The House bill contained a provision (sec. 933) that would amend section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to extend for 2 fiscal years the temporary authority for the five Regional Centers for Security Studies of the Department of Defense to waive the reimbursement of costs required under section 184(f) of title 10, United States Code, for personnel of nongovernmental organizations and international organizations to participate in activities of the centers.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Additional Requirements for quadrennial roles and missions review in 2011 (sec. 942)

The House bill contained a provision (sec. 934) that would require consideration of additional operational functions as part of the 2011 Quadrennial Roles and Missions Review as required by section 118b of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report on organizational structure and policy guidance of the Department of Defense regarding information operations (sec. 943)

The Senate committee-reported bill contained a provision (sec. 951) that would direct the Secretary of Defense to conduct a review of the Department of Defense's organizational structure and policy guidance relating to information operations activities.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical and clarifying amendment to the specific reporting requirements.

Additional guidance relating to this provision is provided in the classified annex.

Report on organizational structures of the geographic combatant command headquarters (sec. 944)

The Senate committee-reported bill contained a provision (sec. 952) that would require the Secretary of Defense and

Chairman of the Joint Chiefs of Staff to report to the Committees on Armed Services of the Senate and the House of Representatives on effectiveness of the interagency-oriented geographic combatant command headquarters' organizational structure.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Legislative Provision Not Adopted

Unified medical command

The House bill contained a provision (sec. 903) that would authorize the Secretary of Defense to establish a unified medical command to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of title 10, United States Code, and would require the Secretary to develop a comprehensive plan to establish a unified medical command.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

We share the Department's concern about the growth of military health care costs, and note that the Department has not yet developed a comprehensive plan to enhance quality, efficiencies, and savings in the military health care system. We also note that the Secretary of Defense is currently conducting a comprehensive review of Department of Defense structure and operations with the goal of improving efficiency through streamlining. We encourage the Secretary of Defense to evaluate the potential operational, organizational, and financial benefits of a unified medical command during this process.

TITLE X-GENERAL PROVISIONS

Subtitle A-Financial Matters

General transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would allow the Secretary of Defense to make transfers between any amounts of authorizations for fiscal year 2011 in division A of this Act. This section would limit the total amount transferred under this authority to \$3.5 billion with an exception that a transfer of funds between military personnel authorizations

under title IV shall not be counted against the dollar limitation. This section would also require prompt notification to Congress of each transfer made.

The Senate committee-reported bill contained a similar provision (sec. 1001) that would provide \$5.0 billion in transfer authority.

The agreement includes the House provision with an amendment that provides \$4.0 billion in transfer authority.

Authorization of additional appropriations for operations in Afghanistan, Iraq, and Haiti for fiscal year 2010 (sec. 1002)

The House bill contained a provision (sec. 1002) that would authorize additional appropriations for fiscal year 2010.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Budgetary effects of this Act (sec. 1003)

The House bill contained a provision (sec. 1003) dealing with the budgetary effects of this Act.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle B-Counter-Drug Activities

Unified counter-drug and counterterrorism campaign in Colombia (sec. 1011)

The House bill contained a provision (sec. 1011) that would extend, through fiscal year 2011, a continuation of the limited authority provided by section 1021 of the Ronald W. Reagan National Defense Authorization Act (NDAA) for Fiscal Year 2005 (Public Law 108-375), as amended, which allows the Department of Defense to provide assistance to the Government of Colombia to support a unified counterdrug and counterterrorism campaign.

The Senate committee-reported bill contained a provision (sec. 1024) that would only extend, through fiscal year 2011, the limitation established by section 1021(c) of the Ronald W. Reagan NDAA for Fiscal Year 2005, as amended, on the number of U.S. military and federally funded civilian contractor personnel authorized to conduct certain activities in the Republic of Colombia.

The agreement includes the House provision.

Extension and modification of joint task forces support to law enforcement agencies conducting counter-terrorism activities (sec. 1012)

The House bill contained a provision (sec. 1012) that would extend, through fiscal year 2011, the support provided by joint task forces under section 1022(b) of the National Defense Authorization Act (NDAA) for Fiscal Year 2004 (Public Law 108-136), as amended.

The Senate committee-reported bill contained a provision (sec. 1023) that would extend, through fiscal year 2011, the authority provided under section 1022 of the NDAA for Fiscal Year 2004, as amended. The Senate provision would also limit the availability of this authority for any fiscal year after 2010. The Senate provision would require the Secretary of Defense to determine that a significant connection exists between an entity engaged in illegal drug trafficking and the foreign terrorist organization concerned before utilizing this authority for any support activity, and it would require the Secretary of Defense to provide a report to Congress as to whether each existing joint task force providing support under section 1022 of the NDAA for Fiscal Year 2004, as amended, as of September 30, 2010, is providing such support in a manner consistent with this new requirement.

The agreement includes the Senate provision with an amendment that would authorize the provision of joint task force support for counterterrorism activities if the Secretary of Defense determines that the objectives of using the counterdrug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counterdrug activities by that joint task force or any other joint task force. The provision also provides the Secretary with the authority to waive this requirement if it is in the vital national security interests of the United States. An interim compliance report and subsequent annual compliance reports are also required.

Reporting requirement on expenditures to support foreign counter-drug activities (sec. 1013)

The House bill contained a provision (sec. 1013) that would extend, by 1 year, the reporting requirement on expenditures to support foreign counterdrug activities under section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), as amended.

The Senate committee-reported bill contained an identical provision (sec. 1025).

The agreement includes this provision.

Support for counter-drug activities of certain foreign governments (sec. 1014)

The House bill contained a provision (sec. 1014) that would extend, through fiscal year 2011, the authority of the Secretary of Defense to provide limited support to certain foreign governments for counterdrug activities under section 1033 of the National Defense Authorization Act (NDAA) for Fiscal Year 1998 (Public Law 105-85), as amended. The House provision would also extend the limitation on the maximum amount of support through fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 1022) that would extend, through fiscal year 2011, the Secretary's authority to provide support under section 1033 of the NDAA for Fiscal Year 1998, as amended, extend the limitation on the maximum amount of support for that duration, and expand the list of foreign governments eligible to receive support under section 1033 to include the Government of Nicaragua.

The agreement includes the House provision with an amendment that would extend the Secretary's authority and the limitation on the maximum amount of support through fiscal year 2012.

Notice to Congress on military construction projects for facilities of Department of Defense and foreign law enforcement agencies for counter-drug activities (sec. 1015)

The Senate committee-reported bill contained a provision (sec. 1021) that would require the Secretary of Defense to submit to the congressional defense committees a notification of the decision to construct, repair, or modify a facility of a foreign law enforcement agency for the purpose of supporting said agencies' counterdrug activities. This provision would enhance the existing notice and wait requirement under section 1004(h) of the National Defense Authorization Act (NDAA) for Fiscal Year 1991, as amended (Public Law 101-510).

The House bill contained no similar provision.

The agreement includes the Senate provision with clarifying amendments to section 1004 of the NDAA for Fiscal Year 1991, as amended.

To promote transparency, the managers urge the Department of Defense to inform the following committees upon commencement of any construction outside of the United States under section 1004, as amended: the congressional defense and military

construction committees, as well as the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Subtitle C-Naval Vessels and Shipyards

Extension of authority for reimbursement of expenses for certain Navy mess operations (sec. 1021)

The Senate committee-reported bill contained a provision (sec. 1011) that would extend section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), which authorizes the Department of Defense to fund from Navy operations and maintenance accounts the cost of meals on United States naval and naval auxiliary vessels for non-military personnel, through September 30, 2015, and would establish an annual limit of no more than \$1.0 million.

The House bill contained a nearly identical provision (sec.343).

The agreement includes the Senate provision.

Expressing the sense of Congress regarding the naming of a naval combat vessel after Father Vincent Capodanno (sec. 1022)

The House bill included a provision (sec. 1025) that would express the sense of Congress that the Navy should name a combat vessel of the United States Navy the "U.S.S. Father Vincent Capodanno," in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Requirements for long-range plan for construction of naval vessels (sec. 1023)

The House bill included a provision (sec. 1021) that would amend section 231 of title 10, United States Code, to require the Secretary of the Navy to submit a long-range plan for the construction of naval vessels with each submission of the Quadrennial Defense Review (QDR).

The House provision would require that the long-range plan include three distinct sections, each spanning a period of 10 years. The first section would be a detailed construction plan for the first 10 years, the second a probable construction plan for the second 10 years, and the third a notional construction plan for the last 10 years.

The provision would prevent the Secretary from modifying future shipbuilding budget requests during the intervening years between submissions of the QDR, unless the change were to be an increase in the shipbuilding plan or the change were accompanied by an addendum to the QDR which explained and justified the decrease with respect to the national security of the United States.

The provision would also require that the plan fully comply with section 5062(b) of title 10, United States Code, to maintain a minimum of 11 operational aircraft carriers and to phase the construction of such carriers as to minimize the total cost of procurement.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, modified to require that the Secretary report on the basis for making any reductions in the planned shipbuilding levels in years when DOD is not producing a new QDR and to delete the requirement relating to aircraft carriers.

The committees expect that, following the submission of the President's budget materials for a fiscal year, the Secretary of the Navy, at the written request of one of the congressional defense committees, will promptly deliver the Navy's long-term shipbuilding plan used to develop the President's budget request for that fiscal year, as well as a certification from the Secretary of the Navy that both the President's budget request for that fiscal year and the budget for the future-years defense program is sufficient to fund the construction schedule provided in that plan. The committees expect that such a plan would include the quantity of each class of ship to be constructed in that fiscal year and the nine following fiscal years.

Subtitle D-Counterterrorism

Extension of certain authority for making rewards for combating terrorism (sec. 1031)

The House bill contained a provision (sec. 1031) that would extend the authority for the Secretary of Defense to offer and make rewards to a person providing information or nonlethal assistance to U.S. Government personnel or government personnel of allied forces participating in a combined operation with U.S. Armed Forces through fiscal year 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1032)

The House bill contained a provision (sec. 1032) that would prohibit the use of Department of Defense (DOD) funds to transfer, release, or assist in the transfer or release of any detainee at the Guantanamo detention facility to or within the United States, its territories, or possessions.

The Senate committee-reported bill contained a provision (sec. 1043) that would extend through December 31, 2011, the restrictions on the disposition of detainees at United States Naval Station, Guantanamo Bay, Cuba, under section 1041 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2454). Under this provision, the DOD would be prohibited from releasing any detainee at the Guantanamo detention facility into the United States, its territories, or possessions, and would be restricted from transferring any detainee into the United States until 45 days after the President submits a detailed, comprehensive plan for the disposition of any such detainee.

The agreement includes the House provision with a clarifying amendment.

Certification requirements relating to the transfer of individuals detained at Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities (sec. 1033)

The House bill contained a provision (sec. 1033) that would prohibit the use of any funds authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any detainee at United States Naval Station, Guantanamo Bay, Cuba, to the custody or effective control of a foreign country or other foreign entity unless, 30 days prior to the transfer, the Secretary of Defense certifies to Congress, with the concurrence of the Secretary of State, that the government of the country or the recognized leadership of the entity receiving the transferred individual meets certain specified criteria.

The provision would also prohibit the use of Department of Defense funds to transfer any such detainee to the custody or effective control of a foreign country or entity if there is a confirmed case of an individual transferred from United States Naval Station, Guantanamo Bay, Cuba, to that country or entity who has subsequently engaged in terrorist activity. The Secretary of Defense would be authorized to waive this

prohibition on transfers to countries or foreign entities with a history of recidivism if the Secretary certifies that such a transfer would be in the national interest of the United States.

The Senate committee-reported bill contained a provision (sec. 1044) that would prohibit for 1 year the transfer of any detainee at the Guantanamo detention facility to a country where Al Qaeda has an active presence, specified as Afghanistan, Pakistan, Saudi Arabia, Somalia, and Yemen.

The agreement includes the House provision with an amendment that would clarify that the provision covers the 1 year period beginning on the date of the enactment of this Act. The provision is also amended to exempt from the prohibitions under the section actions taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. In the event such an order is issued, the Secretary of Defense is required to notify Congress promptly of the order's issuance.

Prohibition on the use of funds to modify or construct facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1034)

The House bill contained a provision (sec. 1034) that would prohibit the use of funds authorized to be appropriated by this Act to construct or modify any facility in the United States, its territories, or possessions to house any detainee transferred from United States Naval Station, Guantanamo Bay, Cuba, for purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense (DOD). The provision would also require a report on the merits, costs, and risks of using any facility in the United States, its territories, or possessions to house detainees from the Guantanamo detention facility for purposes of detention or imprisonment under DOD custody or control.

The Senate committee-reported bill contained a provision (sec. 1531) that would restrict the use of the DOD funds available for detention operations within the Department of Defense Overseas Contingency Operations Transfer Fund solely for such operations at the United States Naval Station, Guantanamo Bay, Cuba.

The agreement includes the House provision.

Comprehensive review of force protection policies (sec. 1035)

The House bill contained a provision (sec. 1035) that would require the Secretary of Defense to conduct a comprehensive review of the force protection policies of the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Subtitle E—Homeland Defense and Civil Support

Limitation on deactivation of existing Consequence Management Response Forces (sec. 1041)

The Senate committee-reported bill contained a provision (sec. 1031) that would prohibit the Secretary of Defense from deactivating any existing Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive (CBRNE) Consequence Management Response Force until 90 days after certifying that there exists within the military an alternative CBRNE consequence management response capability at least as capable as the existing forces. The provision would also require the Secretary to submit a report to the congressional defense committees on plans to establish alternative Homeland Response Forces.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would remove the 90-day waiting period.

Subtitle F—Studies and Reports

Interagency national security knowledge and skills (sec. 1051)

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to commission an appropriate, independent non-profit organization to conduct a study to assess the current state of interagency national security knowledge and skills of Department of Defense civilians and uniformed personnel and make recommendations for strengthening such knowledge and skills.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report on establishing a Northeast Regional Joint Training

Center (sec. 1052)

The House bill contained a provision (sec. 1043) that would require a report on the need for the establishment of a Northeast Regional Joint Training Center.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Comptroller General report on previously requested reports (sec. 1053)

The House bill contained a provision (sec. 1044) that would require the Comptroller General to submit a report evaluating the sufficiency, adequacy, and conclusions of several Department of Defense reports on combat air force equipment and programs. The Air Force would be prohibited from retiring any fighter aircraft until 180 days after the Comptroller General submits the report.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, amended to reduce the waiting period for the prohibition on retiring fighter aircraft after the Comptroller General submits the report from 180 days to 90 days.

Biennial report on nuclear triad (sec. 1054)

The House bill contained a provision (sec. 1045) that would require the Secretary of Defense in cooperation with the Administrator of the National Nuclear Security Administration, to submit a report to the congressional defense committees on the modernization and sustainment of the nuclear triad over the next 20 years no later than March 1, 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense in cooperation with the Administrator to submit the report on a biennial basis with the first report due on March 1, 2012. The report would cover the next 10 year period beginning on the date of the report.

Comptroller General study on common alignment of world regions in departments and agencies with international responsibilities (sec. 1055)

The House bill contained a provision (sec. 1047) that would require the President to commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal Government with international responsibilities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that directs the Comptroller General of the United States to conduct the study and clarifies the agencies included and the matters covered.

Required reports concerning bomber modernization, sustainment, and recapitalization efforts in support of the national defense strategy (sec. 1056)

The House bill contained a provision (sec. 1048) that would require the Secretary of the Air Force to submit a report to the congressional defense committees, the Congressional Budget Office, and the Comptroller General of the United States, on the cost, schedule, and performance of modernization and sustainment programs and plans for the current bomber fleet, a discussion of the various studies and analysis of alternatives dealing with future long-range strike platforms, and the outcome of the ongoing long-range strike study when completed. In addition, the report would include a description of the efforts to field a next-generation long-range strike platform and a comparative discussion of the costs, testing, fielding, and other attributes of a family of systems as compared to a single platform. The provision would also direct the Director of the Cost Analysis and Program evaluation office to prepare and submit a report to the congressional defense committees, the Congressional Budget Office, and the Comptroller General of the United States, on the comparative assumptions and costs associated with a family of systems and on the previous plans, cancelled in 2009, to have a single platform. Finally, the provision would direct the Congressional Budget Office to submit a report that includes a life cycle cost analysis of the costs of sustaining and modernizing the current bomber fleet, a single next-generation bomber platform, a family of long-range strike systems, and an objectivity and sufficiency review of all the report elements.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Air Force to submit a comparative report on the cost, schedule, performance, and

challenges of modernization and sustainment programs and plans for the current bomber fleet, a discussion of the various long-range strike studies conducted and underway, and a comparative analysis of the cost, testing, fielding, operational challenges, and other associated issues with a family of systems when compared to a single long-range strike platform. The required report shall be prepared by a federally funded research and development center selected by the Secretary of the Air Force. The report is due 365 days from the date of enactment of this Act. In addition, the provision would direct the Director of Cost Analysis and Program Evaluation to submit to the congressional defense committee a report setting forth a comparison of the assumptions and life cycle costs of a family of long-range strike systems and on the previous plans, cancelled in 2009, to have a single platform.

Comptroller General study and recommendations regarding security of southern land border of the United States (sec. 1057)

The Senate committee-reported bill contained a provision (sec. 1041) that would require the Secretary of Defense to deploy not fewer than 6,000 National Guard personnel along the southern land border of the United States in order to assist the U.S. Customs and Border Protection in securing the border.

The House bill contained no similar provision.

The agreement includes a provision that would require the Comptroller General to study the security of the southern land border of the United States and report the findings and recommendations of the study to the Committees on Armed Services of the Senate and the House of Representatives.

Subtitle G-Miscellaneous Authorities and Limitations

Public availability of Department of Defense reports required by law (sec. 1061)

The Senate committee-reported bill contained a provision (sec. 1048) that would require the Department of Defense to make certain reports available to the public.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to ensure that the Department has the flexibility that it needs to withhold reports containing sensitive information that is not suitable for public disclosure.

Prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons (sec. 1062)

The Senate committee-reported bill contained a provision (sec. 1042) that would prohibit the Secretary of Defense from regulating the otherwise lawful acquisition, possession, ownership, carrying, or use of firearms by Department of Defense personnel, subject to specified exceptions.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Development of criteria and methodology for determining the safety and security of nuclear weapons (sec. 1063)

The Senate committee-reported bill contained a provision (sec. 1049) that would direct the Secretary of Energy and the Secretary of Defense, acting through the Nuclear Weapons Council to develop high level criteria for determining the appropriate baseline for the safety and security of nuclear weapons and a methodology for determining the level of safety and security for each type of nuclear weapon. A report setting forth the criteria and methodology would be due no later than March 1, 2011. Ensuring that the nuclear weapons stockpile remains safe and secure are essential elements to maintaining a nuclear deterrent.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would clarify that the criteria for determining the appropriate baseline should cover the life cycle of the nuclear weapons. The amendment would also require that the report be submitted no later than March 1, 2012.

Subtitle H-Other Matters

National Defense Panel (sec. 1071)

The House bill contained a provision (sec. 1051) that would amend section 118 of title 10, United States Code, by replacing the Independent Review Panel with a National Defense Panel.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Sale of surplus military equipment to State and local homeland security and emergency management agencies (sec. 1072)

The House bill included a provision (sec. 1053) that would authorize the sale of excess military equipment to state and local homeland security and emergency management agencies.

The Senate committee-reported bill had a nearly identical provision (sec. 1033).

The agreement includes the Senate provision.

Defense research and development rapid innovation program (sec. 1073)

The House bill contained a provision (sec. 1054) that would establish a Rapid Innovation Program to accelerate the fielding of innovative technologies.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would stress the importance of a competitive, merit-based program to directly support primarily major defense acquisition programs, but also other defense acquisition programs that meet critical national security needs (such as those articulated through, for example, a Joint Urgent Operational Needs Statement). Under this program, projects should be selected, among other things, on the basis of their responsiveness to identified needs, as articulated in the acquisition plan of those programs they intend to support (or a validated requirements document). In executing this program, the committees expect the Secretary of Defense, working through the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD AT&L) and in coordination with the service secretaries to:

- (1) Develop and implement a competitive, merit-based program designed to stimulate innovative technologies; reduce acquisition or life cycle costs; address technical risks; improve the timeliness and thoroughness of test and evaluation outcomes; and rapidly insert such products into military systems that meet critical national security needs;

- (2) Develop and implement clear goals and metrics for the program that would enhance the insertion of those technologies (including dual use technologies) identified in paragraph (1); and

- (3) Ensure that projects described below are given full consideration in accordance with competitive and merit-based procedures:

(a) Phase II Small Business Innovation Research (SBIR) or other projects, as determined by the Program Executive Officers or Program Managers, which are most likely to be fielded within 3 years;

(b) Responses to an annual broad agency announcement or other competitive or merit-based processes;

(c) Projects executed by the defense laboratories and the test and evaluation community; and,

(d) Projects cost-shared with state, local, or other government funds.

The committees further note that (sec. 1073) would not require or enable any official of the Department of Defense to provide funding to any earmark as defined pursuant to House Rule XXI, clause nine or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

Pursuant to similar ongoing studies, the committees encourage the Secretary of Defense to request the National Academies to evaluate the program after the first year of execution.

The committees believe that the Department of the Navy's experience with a similar initiative suggests the broader utility of this program within the Department of Defense. During fiscal years 2008 through 2010, the Navy Program Executive Office Submarine successfully capitalized on the successes of SBIR Phase I and II innovations. Funding for those innovations was provided to small business projects identified in program acquisition plans for developing certain components for insertion in the procurement process.

Authority to make excess nonlethal supplies available for domestic emergency assistance (sec. 1074)

The House bill contained a provision (sec. 360) that would authorize the Secretary of Defense to make excess nonlethal supplies of the Department of Defense available to support domestic emergency assistance activities.

The Senate committee-reported bill contained a similar provision (sec. 1032).

The agreement includes the House provision.

Technical and clerical amendments (sec. 1075)

The House bill contained a provision (sec. 1055) that would make certain technical and clerical amendments.

The Senate committee-reported bill contained a similar provision (sec. 1081).

The agreement includes the House provision with an amendment making additional technical and clerical amendments.

Study on optimal balance of manned and remotely piloted aircraft (sec. 1076)

The House bill contained a provision (sec. 1069) that would require the Secretary of Defense to submit a report evaluating the balance of manned and remotely piloted aircraft, including, among other things, the Secretary's assessment of the feasibility and desirability of making a more rapid transition from manned to remotely piloted aircraft for a range of operations, including combat operations.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Treatment of successor contingency operation to Operation Iraqi Freedom (sec. 1077)

The House bill contained a provision (sec. 4) that would apply any law or regulation applicable to Operation Iraqi Freedom to the successor contingency operation known as Operation New Dawn.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Program to assess the utility of non-lethal weapons (sec. 1078)

The House bill contained a provision (sec. 241) that would require the Secretary of Defense to carry out a program to operationally test and evaluate non-lethal weapons and to designate, in the annual budget submission and within each of the military department's procurement account, a procurement line item for non-lethal weapons.

The Senate committee-reported bill contained a provision (sec. 1063) that would require the Secretary of Defense to submit a report to the congressional defense committees on the role and utility of non-lethal weapons and technologies in counterinsurgency operations.

The agreement includes a provision that would require the Department of Defense to carry out a program to demonstrate and assess the utility and effectiveness of non-lethal weapons, and to submit a report to the congressional defense committees.

Sense of Congress on nuclear force reductions (sec. 1079)

The House bill contained a provision (sec. 1057) that included a series of findings with respect to the history of nuclear weapons and delivery systems. The provision also included a sense of Congress that any future reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy, and the technical and operational implications of such reductions, and that specific criteria are necessary to guide future decisions regarding further reductions in such nuclear forces. Finally the provision would prevent any further reductions in nuclear forces until the Secretary of Defense submitted a report setting forth the reasons and rationale for additional reductions and made a series of certifications. Additional reductions could not be implemented until 180 days after the Secretary had submitted the report and made the required certifications.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would set forth a sense of Congress that any future reductions in strategic nuclear systems below the levels outlined in the New START Treaty, should not be implemented until the President submits a report to the congressional defense committees a report on the rationale for the reductions. This report would include a justification for such reductions and an assessment of the strategic environment, threat and policy, and the technical and operational implications of such reductions. In addition the report would include a series of certifications with respect to the strategic environment, modernization efforts, the capability of the remaining nuclear forces, and the entire strategic picture including how such reductions are compensated by other measures including conventional forces and missile defense.

Legislative Provisions Not Adopted

Repeal of requirement for annual joint report from Office of Management and Budget and Congressional Budget Office on scoring of outlays in defense budget function

The Senate committee-reported bill contained a provision (sec. 1002) to repeal the requirement for an annual joint report from the Office of Management and Budget and the Congressional Budget Office on scoring of outlays in the defense budget

function.

The House bill contained no similar provision.

The agreement does not include this provision.

The Committees on Armed Services of the Senate and the House of Representatives would have preferred inclusion of this provision requested by the Administration and supported by the Congressional Budget Office. However, inclusion of the provision would have subjected the agreement to a point of order in the Senate.

Department of Defense aerospace-related mishap safety investigation reports

The House bill contained a provision (sec. 1041) that would require the secretary of a military department to provide, upon written request by the chairman and ranking member of any of the congressional defense committees, a briefing on the privileged findings, causal factors and recommendations contained in a Department of Defense aerospace-related mishap safety investigation report.

The Senate committee-reported bill contained no similar provision.

The agreement does not contain the provision.

We understand that there is a 1989 agreement between the Secretary of the Air Force and the Committee on Armed Services of the House of Representatives to provide a briefing to the Chairman and Ranking Minority Member of the Committee in response to a personal request of the Chairman and the Ranking Minority Member. We encourage the Secretary of the Air Force to modernize this agreement in a manner that would provide technical subject matter expertise during briefings to the Chairman and Ranking Minority Member of the committee concerned.

Report on use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense

The Senate committee-reported bill contained a provision (sec. 1062) that would require a comprehensive report regarding the current and projected use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense (DOD).

The House bill contained no similar provision.

The agreement does not include this provision.

The Committees on Armed Services of the Senate and House of Representatives note that while the Department of Defense is making advances in alternative fuels for vehicles and hybrid electric technologies, concerns remain that a strategic-level

plan and coordinated approach are lacking and proliferation of technology is not as robust across the fleet as it could be. Not later than 45 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly with the Director of the Defense Logistics Agency, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the status of: use and potential use of domestically-produced alternative fuels including but not limited to, natural gas-based fuels and biodiesel, in DOD vehicles; current and projected actions by the DOD to increase the use of alternative fuels in vehicles; a description and assessment of current and anticipated commercial availability and demand for alternative fuels including cost; a description of the infrastructure and associated costs required to store and distribute alternative fuels on military installations in the United States that could be adapted for use by alternative fuels; a list and status of the current tactical, non-tactical, and combat vehicle programs that are pursuing either hybrid or electric technologies, or advances to accept alternative fuels; a list of research and development programs and funding investments for operational energy; and any recommendations for legislative or administrative action to ensure that the DOD meets goals for the use of alternative fuels and vehicles.

Coordination of Federal Information Policy

The House bill contained provisions (sec. 1701-1704) that would amend Chapter 35 of title 44, United States Code, to update the coordination process for information security for the Federal Government. Such updates would include the establishing a National Office for Cybersecurity in the Executive Office of the President, clarifying agency responsibilities, requiring annual independent audits, and establishing a federal information security incident center.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

We note with concern the proliferation of recent events that underscore critical vulnerabilities to the information infrastructure of the United States. Despite a number of efforts by both the Obama and Bush administrations to deal with these growing threats, U.S. policies are still woefully outdated. We reiterate the need for additional focus on cybersecurity issues across the Federal Government in the near-term, and urge the Obama administration and the next Congress to form a strong, collaborative effort that engages the public to

develop the necessary comprehensive, bipartisan cybersecurity legislation.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Clarification of authorities at personnel demonstration laboratories (sec. 1101)

The House bill contained a provision (sec. 1102) that would clarify authorities relating to personnel demonstration laboratories and increase the number of positions for which such direct hiring authority may be used.

The Senate committee-reported bill contained a similar provision (sec. 1101).

The agreement includes a provision that would combine the House and Senate provisions.

Requirements for Department of Defense senior mentors (sec. 1102)

The House bill contained a provision (sec. 210 of division D) that would prohibit the use of personal services contracts to hire senior mentors.

The Senate committee-reported bill contained a provision (sec. 1102) that would require that senior mentors be hired as highly qualified experts and comply with all applicable federal laws and regulations on personnel and ethics matters.

The agreement includes the Senate provision.

One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas (sec. 1103)

The House bill contained a provision (sec. 1104) that would authorize for 2 additional years the head of an executive agency to waive the limitations on the aggregate of basic and premium pay payable to an employee who performs work in an overseas location that is in the area of responsibility of the Commander, United States Central Command, or an overseas location that was formerly in the area of responsibility of the Commander, United States Central Command but has been moved to the area of responsibility of the Commander, United States Africa Command in support of a contingency operation or an operation in response to a declared emergency.

The Senate committee-reported bill contained a provision (sec. 1103) that would authorize the same waiver authority, but for only 1 additional year.

The agreement includes the Senate provision.

Extension and modification of enhanced Department of Defense appointment and compensation authority for personnel and care and treatment of wounded and injured members of the armed forces (sec. 1104)

The Senate committee-reported bill contained a provision (sec. 1104) that would authorize the Secretary of Defense to designate any category of health care occupation within the Department of Defense (DOD) as a shortage category occupation or critical need occupation, and would authorize the Secretary to recruit and appoint qualified individuals directly to those positions. The provision would also extend hiring authorities under this section from September 30, 2012, until December 31, 2015.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would authorize the Secretary of Defense to designate any category of medical or health professional positions within DOD as a shortage category occupation or critical need occupation and to recruit and appoint qualified individuals to those positions directly until December 31, 2015.

Rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear aircraft carrier forward deployed in Japan (sec. 1105)

The House bill contained a provision (sec. 1103) that would allow certain executive branch employees working aboard or in support of the forward-deployed carrier USS *George Washington* (CVN 73) to earn overtime pay while the carrier is forward deployed in Japan.

The Senate committee-reported bill contained a provision (sec. 1107) that would authorize until September 30, 2014, a civilian employee of the Department of the Navy who is assigned to temporary duty to perform work aboard, or dockside in direct support of, the nuclear aircraft carrier that is forward deployed in Japan to receive overtime pay.

The agreement includes the Senate provision with a technical amendment.

Legislative Provisions Not Adopted

Designation of Space and Missile Defense Technical Center of the U.S. Army Space and Missile Defense Command/Army Forces Strategic Command as a Department of Defense Science and

Technology Reinvention Laboratory

The Senate committee-reported bill contained a provision (sec. 1105) that would designate the Space and Missile Defense Technical Center as a science and technology reinvention laboratory.

The House bill contained no similar provision.

The agreement does not include the provision.

The Department of Defense Science and Technology Reinvention Laboratories (STRL) program was established by Congress to enable the Department to attract and retain the best and brightest scientists and engineers in an increasingly competitive market for skilled technical expertise. The committees note that the current STRL list may not encompass the full range of laboratories that may meet the Department's criteria for eligibility as a STRL. Therefore, the committees direct the Secretary of Defense to undertake, in coordination with the military services, a thorough review of the organizations that also may meet such criteria and to submit to the Committees on Armed Services of the Senate and House of Representatives by October 1, 2011, a list of any additional organizations that should be considered for designation as a STRL pursuant to section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Waiver of certain pay limitations

The House bill contained a provision (sec. 1105) that would clarify that highly qualified experts hired pursuant to section 9903 of title 5, United States Code, should receive benefits and compensation similar to those that other federal civilian employees serving in those areas currently receive. This includes premium pay or danger pay allowances, compensatory time off, and other appropriate compensation or allowances authorized under chapter 59 of title 5, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that currently, highly qualified experts serving in areas of contingency operations have been denied any type of hazardous duty compensation because the Department of Defense and the Office of Personnel Management have interpreted such compensation as an incentive, which is explicitly prohibited under section 9903. We do not agree with the interpretation that hazardous duty compensation is an incentive and expect the Department to remedy the compensation inequities experienced by the highly qualified experts currently working in the Republic

of Iraq and the Islamic Republic of Afghanistan.

Services of post-combat case coordinators

The House bill contained a provision (sec. 1106) that would require each federal agency that sends civilian employees on hazardous duty assignments in support of U.S. military operations in a contingency operation to assign post-combat case coordinators to employees who sustain a traumatic injury, or experience a serious disease or illness during performance of their duty in the contingency operation.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that federal civilian employees increasingly are providing support in contingency operations and some are experiencing serious medical problems upon return to their regular assignment. The Department of Defense (DOD) already assigns case workers to its civilian expeditionary workforce. The responsibility of these case workers is to guide and direct all deployed DOD civilians to available resources, provide intervention in problem claims, and work with the service component's Injury Compensation Program Administrators to help injured employees navigate the Office of Worker's Compensation Program claims process. We encourage other federal agencies to provide similar support for their deployed employees who need assistance coordinating benefits between the Federal Employees Health Benefits Program and Federal Employees Compensation Act.

Authority to waive maximum age limit for certain appointments

The House bill contained a provision (sec. 1107) that would allow the Department of Defense (DOD) to waive the hiring and retirement age limits for federal law enforcement and firefighter positions in certain circumstances.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that in 2009 the Secretary of Defense announced plans to scale back significantly the use of contractors in support services. While consistent with current law (section 2463 of title 10, United States Code), this decision may have resulted in unintended consequences when converting law enforcement and firefighting functions to Federal Government positions since many contractor employees currently performing those functions may not be able to compete for the position as a federal employee because of statutory age limits. We are aware

that the underlying statute (section 3307 of title 5, United States Code) and DOD instruction (DODI 1440-25, volume 336) allow for exceptions to the age limits set for DOD firefighters and law enforcement officers. We expect the Secretary of Defense to take advantage of these flexibilities in order to retain a highly skilled and ready workforce.

Sense of Congress for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program

The House bill contained a provision (sec. 1108) that would express the Sense of Congress that the Secretary of Defense should waive repayment of the voluntary separation incentive pay (VSIP) for employees who accepted a reassignment with the Department of Defense during the period of April 1, 2004, to May 1, 2008, and had received written assurance that repayment would not be required or would be waived.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that approximately 40 individuals hired during the period of April 1, 2004, to May 1, 2008, were assured that they would not be required to repay their separation pay based on an Office of Personnel Management (OPM) national emergency guidance issued following September 11, 2001. However, we understand that it was subsequently determined that the guidance did not apply to employees covered under section 9902 of title 5, United States Code, which effectively superseded the OPM guidance. While the Department no longer waives VSIP repayment for individuals who have been rehired since May 1, 2008, we believe those individuals who returned to the Department immediately following the declaration of a national emergency, and who received written assurances that repayment would not be required, should retain, or be repaid, their voluntary separation incentive pay. We note that paragraphs (f)(6)(A) and (f)(6)(B) of section 9902 of title 5, United States Code, already authorize a waiver of VSIP repayment and urge the Secretary to utilize this authority for the affected individuals.

Suspension of DCIPS pay authority extended for a year

The House bill contained a provision (sec. 1109) that would extend for 1 year the prohibition in section 1114(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) against adjusting pay rates under the Defense

Civilian Intelligence Personnel System (DCIPS).

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

On August 4, 2010, the Secretary of Defense announced that the Department of Defense (DOD) would not implement the DCIPS policies that would link employee base pay increases to individual performance and that all DOD intelligence employees, other than those at the National Geo-Spatial Intelligence Agency, would be returned to a General Schedule-like pay system. For this reason, the prohibition in section 1114(a) is no longer needed.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Expansion of authority for support of special operations to combat terrorism (sec. 1201)

The House bill contained a provision (sec. 1201) that would increase the amount of funds available to the Secretary of Defense to provide assistance to foreign forces, irregular forces, groups, or individuals supporting or facilitating military operations by U.S. special operations forces to combat terrorism from \$40.0 million to \$50.0 million.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment increasing the amount of funds available to the Secretary of Defense for these purposes from \$40.0 million to \$45.0 million.

The Committees on Armed Services of the Senate and the House of Representatives applaud the Department for taking action to ensure funded activities meet the original intent of this authority, including closing out operations which have achieved their intended result or which no longer fit within the scope of the authority. However, we remain concerned about the Department's compliance with reporting requirements under this authority, specifically in the annual report, and the lack of operational details included in the annual report and notifications. Therefore, we direct the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and Interdependent Capabilities and U.S. Special Operations Command

to provide the Committees on Armed Services of the Senate and the House of Representatives detailed briefings within 30 days of delivering the required annual report and 6 months thereafter. Such briefings should include, but not be limited to, operational details regarding each funded activity, funding execution levels, an assessment of progress toward meeting the intent of authorized funding, and anticipated funding requirements through future fiscal years.

Addition of allied government agencies to enhanced logistics interoperability authority (sec. 1202)

The House bill contained a provision (sec. 1202) that would amend section 127d of title 10, United States Code, to authorize the Secretary of Defense to provide logistic support, supplies and services to nonmilitary logistics, security, or similar agencies of allied governments if it would be beneficial to the United States Armed Forces.

The Senate committee-reported bill contained a similar provision (sec. 1201).

The agreement includes the House provision.

Expansion of temporary authority to use acquisition and cross-servicing agreements to lend certain military equipment to certain foreign forces for personnel protection and survivability (sec. 1203)

The Senate committee-reported bill contained a provision (sec. 1202) that would amend section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended, to allow certain personnel protection equipment to be loaned to partner military forces prior to deployment in connection with the training of forces participating in combined operations.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Authority to pay personnel expenses in connection with African cooperation (sec. 1204)

The Senate committee-reported bill contained a provision (sec. 1204) that would permit the secretary of a military department to pay the travel, subsistence, and special compensation of officers and students and other expenses that such secretary considers necessary for African cooperation.

The House bill contained no similar provision.

The agreement includes the Senate provision with a

technical amendment.

*Authority to build the capacity of Yemen Ministry of
Interior Counter Terrorism Forces (sec. 1205)*

The House bill contained a provision (sec. 1203(c)) that would require that the Secretary of Defense transfer to the Secretary of State \$75.0 million for the purpose of providing assistance to build the capacity of the Yemeni Ministry of Interior (MOI), provided that, not later than July 31, 2011, the Secretary of State certifies that the Department of State is able to provide that assistance. If the Secretary of State is unable to issue such a certification, then the Secretary of Defense may, with the concurrence of the Secretary of State and subject to the standard procedures of 'train and equip' authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended, use that \$75.0 million only for the purposes of training and equipping those Yemeni MOI forces.

The Senate committee-reported bill contained a similar provision (sec. 1203). The Senate provision would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to use up to \$75.0 million of funds available for operation and maintenance during fiscal year 2011 to build the capacity of the Yemen MOI counterterrorism forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

The agreement includes the Senate provision.

*Air Force scholarships for Partnership for Peace nations to
participate in the Euro-NATO Joint Jet Pilot Training Program
(sec. 1206)*

The House bill contained a provision (sec. 1204) that would require the Secretary of the Air Force to establish and maintain a demonstration scholarship program to allow personnel of countries participating in the North Atlantic Treaty Organization (NATO) Partnership for Peace (PfP) program to receive undergraduate pilot training through the Euro-NATO Joint Jet Pilot Training (ENJJPT) program. The demonstration program would be authorized through the end of fiscal year 2015.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would give the Secretary of the Air Force the authority to establish and maintain a program to allow PfP nations' personnel to receive pilot training through the ENJJPT

program. This authority would expire at the end of fiscal year 2012.

Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1207)

The House bill contained a provision (sec. 1203) that would increase the amount authorized for the "global train and equip" program under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended, to \$500.0 million. The provision would also raise to \$100.0 million the temporary limitation on the amount of section 1206 funds available for building the capacity of foreign military forces to participate in or support stabilization operations in which the United States Armed Forces are a participant. In addition, the provision in the House bill would require the Secretary of Defense to transfer \$75.0 million of section 1206 funds to the Secretary of State for a program to build the capacity of the counterterrorism forces of the Yemeni Ministry of the Interior (MOI), or, if the Secretary of State fails to certify by July 31, 2011, that the Department of State is able to carry out such a program effectively, the Secretary of Defense is authorized to conduct or support such a program. The provision would also extend for 1 year the authority for the section 1206 program through the end of fiscal year 2012.

The Senate committee-reported bill contained a provision (sec. 1212) that would increase the temporary limitation on the amount available to build the capacity of foreign military forces to participate in or support military or stability operations in which the United States Armed Forces are a participant to \$100.0 million.

The agreement includes the House provision with an amendment that would eliminate the increase in funding for the section 1206 program for fiscal year 2011. The amendment would also remove the authority to use section 1206 funding to build the capacity of the counterterrorism forces of the Yemeni MOI. Assistance to build the capacity of the Yemeni MOI is authorized in another section of this title.

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

Limitation on availability of funds for certain purposes relating to Iraq (sec. 1211)

The House bill contained a provision (sec. 1211) that would prohibit the use of funds authorized by this Act to establish permanent United States military installations or bases in the Republic of Iraq or to exercise United States control of the oil resources of Iraq.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

One-year extension and modification of Commanders' Emergency Response Program (sec. 1212)

The House bill contained a provision (sec. 1212) that would authorize funding for the Commanders' Emergency Response Program (CERP) during fiscal year 2011 at no more than \$100.0 million for CERP in Iraq and no more than \$800.0 million for CERP in Afghanistan. The provision would also require the Secretary of Defense to report to the congressional defense committees on a quarterly basis on CERP.

The Senate committee-reported bill contained a provision (sec. 1211) that would extend for 1 year the authority for CERP under section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518). The provision would authorize up to \$900.0 million in CERP funding in fiscal year 2011. The provision also included a 1-year extension of the authority in section 1222(e) of Public Law 111-84 to use up to \$100.0 million in CERP funds to support activities to reintegrate former insurgents into Afghanistan society.

The agreement includes the Senate provision with an amendment that would authorize funding during fiscal year 2011 of \$100.0 million for CERP in Iraq and \$400.0 million for CERP in Afghanistan. Funding for CERP in Afghanistan would be reduced at the request of the Department of Defense to make funds available for the Afghanistan Infrastructure Fund authorized in a separate section of this title. The provision would also prohibit using CERP funds in excess of \$20.0 million to fund any project, including any ancillary or related elements of the project. In addition, the provision would require the Secretary of Defense to provide a detailed notification to the congressional defense committees 15 days prior to the use of CERP funds for any project anticipated to cost \$5.0 million or more.

We remain concerned by the Department's continuing practice of using CERP to fund large-scale projects, particularly in

Afghanistan, which is inconsistent with CERP's purpose of enabling commanders to carry out small-scale projects designed to meet urgent humanitarian relief and reconstruction requirements that directly benefit the local people. The Afghanistan Infrastructure Fund is authorized in a separate section of this title with the expectation that this fund, rather than CERP, will be the primary source for Department of Defense funding for large-scale development and reconstruction projects in Afghanistan.

Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1213)

The House bill contained a provision (sec. 1213) that would modify section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as amended by 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521), to authorize the Secretary of Defense to provide reimbursement to any key cooperating nation (Coalition Support Fund reimbursement) for: (a) logistical, military, and other support provided by that nation to or in connection with U.S. military operations in Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF); or (b) logistical and military support provided by that nation to confront the threat posed by al'Qaida, the Taliban, and other militant extremists in Pakistan. The aggregate amount of reimbursements made under this authority would not exceed \$1.6 billion during fiscal year 2011. The congressional notice and reporting requirements under section 1233 of Public Law 110-181, as amended by section 1232 of Public Law 111-84, would apply to Coalition Support Fund reimbursements authorized by this section.

The Senate committee-reported bill contained a provision (sec. 1213) that would extend for fiscal year 2011 the authority of the Secretary of Defense under section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), to reimburse key cooperating nations for logistical, military and other support provided to or in connection with OIF or OEF. The provision would also require submission to Congress of the Department's guidance for the Coalition Readiness Support Program (CRSP), under the authority of section 1233, as amended, to provide specialized training and supplies and loan specialized equipment to key cooperating nations, and to provide any modifications to that guidance. The provision would also

allow the Department to provide reimbursements for access based on an international agreement without a 15-day pre-notification. In addition, the provision would extend through September 30, 2012, the notification requirements relating to Pakistan of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393).

The agreement includes the Senate provision with an amendment that would eliminate the requirement to provide the guidance for CRSP. We note that the Department has provided the CRSP guidance to the Committees on Armed Services of the Senate and the House of Representatives and urge the Department to keep the committees informed of any modification to that guidance in the future.

Extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan (sec. 1214)

The Senate committee-reported bill contained a provision (sec. 1215) that would extend through December 31, 2011, the authority under section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-81; 123 Stat. 2533) for the Secretary of Defense, with the concurrence of the Secretary of State, to transfer defense articles, and provide defense services in connection with such transfers, to the Iraq security forces or the Afghanistan security forces to support their efforts to restore and maintain peace and security internally.

The House bill contained no similar provision.

The agreement includes the Senate provision.

No permanent military bases in Afghanistan (sec. 1215)

The House bill contained a provision (sec. 1216) that would prohibit the use of funds authorized by this Act to establish permanent United States military installations in the Islamic Republic of Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Authority to use funds for reintegration activities in Afghanistan (sec. 1216)

The House bill contained a provision (sec. 1217) that would authorize the Secretary of Defense to use up to \$50.0 million to support the reintegration of former low-level insurgent fighters

into Afghan society. The provision would also require a certification by the Secretary of State before the Secretary of Defense could carry out a reintegration program under this section. In addition, the provision would require the Secretary of Defense to submit to Congress the guidance for implementing the program and quarterly reports on the activities carried out under this section.

The Senate committee-reported bill contained a provision (sec. 1211) that would extend and modify the authority for the Commanders' Emergency Response Program (CERP), which would include a 1-year extension of the authority in section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518) for the Secretary of Defense to use CERP funds to support a program to reintegrate former low-level insurgent fighters into Afghan society.

The agreement includes the House provision with an amendment that would eliminate the requirement for a certification by the Secretary of State before the Secretary of Defense could carry out a reintegration program under this section. The provision is also amended to require reporting on the activities carried out under this section on a semi-annual basis.

We encourage the Department of Defense and the Department of State to provide a briefing within 60 days of enactment of this Act to the Committees on Armed Services, Appropriations, and Foreign Relations of the Senate and the Committees on Armed Services, Appropriations, and Foreign Affairs of the House of Representatives on the plan for the use of funds authorized under this section to support a program of reintegration in Afghanistan.

Authority to establish a program to develop and carry out infrastructure projects in Afghanistan (sec. 1217)

The agreement includes a provision that would authorize the Secretary of Defense and the Secretary of State to establish a program to undertake high-priority, large-scale infrastructure projects in support of the civil-military campaign in Afghanistan. The program would be funded through the establishment of the Afghanistan Infrastructure Fund (AIF). Infrastructure projects authorized under this program would be jointly developed by the Secretary of Defense and the Secretary of State and would be implemented by the Secretary of State, in coordination with the Secretary of Defense, unless they agree that the project should be implemented by the Secretary of Defense.

Infrastructure projects authorized under this program would

include water, power, transportation and other projects in support of the counterinsurgency strategy. AIF funds could also be used for certain maintenance and sustainment costs, such as the costs of fuel for generators under a program to provide electrical power to Kandahar. The provision would authorize the use of up to \$400.0 million in Department of Defense operation and maintenance funds in fiscal year 2011 for the AIF. The provision would also require the Secretary of Defense to notify Congress no less than 30 days prior to the obligation or expenditure of AIF funds or the transfer of such funds to the Department of State to implement a project under this program. The provision would also include a requirement to report to Congress on the implementation of the Afghanistan infrastructure program.

The Afghanistan infrastructure program is intended to be a whole-of-government approach in support of the counterinsurgency plan, with both the Department of Defense and the Department of State bringing resources to the effort. We note that the Department of Defense has requested, and this Act would provide, that \$400.0 million be made available for the AIF through a reduction in the request for the Commanders' Emergency Response Program. We also note that the Department of State has said it plans to reprogram existing foreign assistance resources to support large-scale infrastructure projects deemed critical to the civil-military campaign in Afghanistan.

The Afghanistan infrastructure program is authorized with the expectation that these funds will be used for critical large-scale infrastructure projects, and costs directly related to the sustainment and maintenance of those projects, that are critical to counterinsurgency objectives. We expect the Secretary of Defense to closely monitor the development and implementation of projects under the Afghanistan infrastructure program to ensure that the program is carried out consistent with congressional intent.

Extension of logistical support for coalition forces supporting operations in Iraq and Afghanistan (sec. 1218)

The House bill contained a provision (sec. 1219) that would authorize the Department of Defense to provide from funds made available for operations and maintenance up to \$400.0 million in supplies, services, transportation (including airlift and sealift), and other logistical support for coalition forces supporting operations in the Republic of Iraq and the Islamic Republic of Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would replace the House provision with a provision that extends for fiscal year 2011 the authority provided in section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394) to provide logistical support for coalition forces supporting operations in the Republic of Iraq and the Islamic Republic of Afghanistan.

Recommendations on oversight of contractors engaged in activities relating to Afghanistan (sec. 1219)

The House bill contained a provision (sec. 1222) that would require the Special Inspector General for Afghanistan Reconstruction, in consultation with other Inspectors General, to issue recommendations on measures to improve oversight of contractors in Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Extension and modification of Pakistan Counterinsurgency Fund (sec. 1220)

The House bill contained a provision (sec. 1218) that would extend through fiscal year 2011 the Department of Defense Pakistan Counterinsurgency Fund (PCF) under section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained a provision (sec. 1214) that would extend the PCF through fiscal year 2011 and require that assistance under the PCF be provided in a manner that promotes: (1) observance of and respect for human rights and fundamental freedoms; and (2) respect for legitimate civilian authority within Pakistan.

The agreement includes the Senate provision.

Subtitle C-Reports and Other Matters

One-year extension of report on progress toward security and stability in Afghanistan (sec. 1231)

The House bill contained a provision (sec. 1215) that in subsection (a) would modify and extend through the end of fiscal year 2012 the requirement under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-

181; 122 Stat. 385), as amended, for a semi-annual report to Congress on progress toward security and stability in Afghanistan.

The Senate committee-reported bill contained a provision (sec. 1231) that would extend the reporting requirement under section 1230 of Public Law 110-181, as amended, through the end of fiscal year 2012.

The agreement includes the Senate provision.

Two-year extension of United States plan for sustaining the Afghanistan National Security Forces (sec. 1232)

The House bill contained a provision (sec. 1215) that in subsection (b) would extend through fiscal year 2012 the requirement under section 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) for the Secretary of Defense to report on a long-term plan for sustaining the Afghanistan National Security Forces.

The Senate committee-reported bill contained a similar provision (sec. 1232).

The agreement includes the Senate provision.

Modification of report on responsible redeployment of United States Armed Forces from Iraq (sec. 1233)

The House bill contained a provision (sec. 1214) that would modify reports concerning United States involvement in the Republic of Iraq and would also repeal the reports required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) as amended, and by section 1225 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report on Department of Defense support for coalition operations (sec. 1234)

The Senate committee-reported bill contained a provision (sec. 1233) that would require the Secretary of Defense to report on the implementation of Department of Defense authorities to enhance the ability of coalition partners to participate in Operation Iraqi Freedom and Operation Enduring Freedom.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Reports on police training programs (sec. 1235)

The Senate committee-reported bill contained a provision (sec. 1216) that would express the sense of Congress on the need for the U.S. Government to take measurable steps to build capacity to advise and mentor the Afghan National Police (ANP) and to clarify the roles and missions within the U.S. Government for police training and rule of law operations. The provision would also require a number of reports to Congress relating to police training abroad. The Department of Defense Inspector General, in consultation with the Department of State Inspector General, would be required to report on the ANP training program. The provision would also require the U.S. Comptroller General to report on the advantages and disadvantages of using U.S. Government personnel in place of contractors for the training of the ANP. In addition, the provision would require a report by the Secretary of Defense, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, on a strategy for police training and rule of law programs in Afghanistan, Iraq, and elsewhere abroad.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would remove the sense of Congress. The amendment would also replace the report by the Secretary of Defense with a Presidential report on U.S. Government programs for training and equipping police abroad. The report would provide a survey of all U.S. Government programs involved in police training and equipping and include an assessment of: the ongoing requirements for police training and equipping programs; the appropriate roles of the various U.S. Government departments and agencies in implementing such programs; and the appropriate role of contractors in carrying out such programs. The report would also include any recommendations the President may have for legislative modification to existing authorities relating to police training and equipping programs.

Report on certain Iraqis affiliated with the United States (sec. 1236)

The House bill contained a provision (sec. 1239) that would direct the Secretary of Defense, in consultation with various heads of appropriate Federal departments and agencies to submit to Congress a report on (1) the number of Iraqis who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely

associated with the United States mission in Iraq that has received United States Government funding; (2) The number of Iraqis who have applied for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110-181), to enter the United States as a special immigrant under section 1244 of such Act, the status of each application, and the estimated number of individuals who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely associated with the United States mission in Iraq who have been injured or killed in Iraq.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical and clarifying amendment. The Secretary may submit this report in a classified format.

Report on Department of Defense's plans to reform the export control system (sec. 1237)

The House bill contained a provision (sec. 1233) that would require the Secretary of Defense to submit a report within 60 days after the date of enactment of this Act to a number of congressional committees on the Department of Defense's plans to reform the United States export control system. The report would include a description of plans to reform the export control system and an assessment of the plans' impact on the Department.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would adjust the content to reflect a variety of developments on this matter, as well as provide the Secretary with 120 days to submit the report.

Report on United States efforts to defend against threats posed by the anti-access and area-denial capabilities of certain nation-states (sec. 1238)

The Senate committee-reported bill contained a provision (sec. 1064) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against potential threats posed by anti-access and area-denial capabilities of potentially hostile nation-states.

The House bill contained a similar provision (sec. 1234).

The agreement includes the Senate committee-reported

provision with an amendment that would reflect a due date of April 1, 2011.

Defense Science Board report on Department of Defense strategy to counter violent extremism outside the United States (sec. 1239)

The Senate committee-reported bill contained a provision (sec. 1235) that would direct the Defense Policy Board to provide a report to Congress on the Department's countering violent extremism strategy outside of the United States.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would direct the Defense Science Board to conduct the study vice the Defense Policy Board.

Report on merits of an Incidents at Sea agreement between the United States, Iran, and certain other countries (sec. 1240)

The House bill contained a provision (sec. 1237) that would require the Secretary of Defense, in coordination with the Secretary of State, to submit to the appropriate congressional committees a report assessing the merits of the successful negotiation of a multilateral or bilateral Incidents at Sea agreement between the United States, the Government of Iran, and certain other countries operating in the Persian Gulf aimed at preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a series of technical and clarifying amendments.

Requirement to monitor and evaluate Department of Defense activities to counter violent extremism in Africa (sec. 1241)

The House bill contained a provision (sec. 1238) that would require the Secretary of Defense, in consultation with the Secretary of State, to evaluate the impact of Combined Joint Task Force-Horn of Africa's activities to counter violent extremism.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

NATO Special Operations Headquarters (sec. 1242)

The House bill contained a provision (sec.1231) that would increase the amount of authorized funds available to the Secretary of Defense to support the North Atlantic Treaty Organization Special Operations Headquarters from \$30.0 million to \$50.0 million.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

National military strategy to counter Iran and required briefings (sec. 1243)

The House bill contained a provision (sec. 1232) that would require that the Secretary of Defense develop a National Military Strategic Plan to Counter Iran. This section would further require that the Secretary of Defense develop a plan to address any gaps in capabilities identified as part of the planning and review process. Finally, this section would require a report to Congress identifying and justifying any resources, capabilities, legislative authorities, or changes to current law the Secretary believes are necessary to address the gaps in capabilities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense to develop a national military strategy to counter Iran and to provide a classified briefing to the congressional defense committees regarding any resources, capabilities, or changes to current law the Secretary believes are necessary to address the gaps identified in the strategy.

TITLE XIII-COOPERATIVE THREAT REDUCTION

Specification of Cooperative Threat Reduction program and funds (sec. 1301)

The Senate committee-reported bill contained a provision (sec. 1301) that would define the Cooperative Threat Reduction (CTR) programs, define the funds as authorized to be appropriated in section 301 of this bill, and authorize the CTR funds to be available for obligation for 3 years.

The House bill contained a similar provision (sec. 1301).

The agreement includes the House provision.

Funding allocations (sec. 1302)

The House bill contained a provision (sec. 1302) that would authorize \$522.5 million, the amount of the budget request, for the Cooperative Threat Reduction (CTR) program. This provision would also authorize specific amounts for each CTR program element, require notification to Congress 30 days before the Secretary of Defense obligates and expends fiscal year 2011 funds for a purpose other than a purpose listed in the provision, and require notification to Congress 15 days before the Secretary of Defense obligates and expends fiscal year 2011 funds in excess of the specific amount authorized for each CTR program element.

The Senate committee-reported bill contained a similar provision (sec. 1302). The agreement includes the House provision.

Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union (sec. 1303)

The Senate committee-reported bill contained a provision (sec. 1303) that would prohibit Cooperative Threat Reduction (CTR) funds from being obligated to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Secretary of Defense submits to the congressional defense committees a report on the particular center to be established.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit no more than \$0.5 million from being obligated to establish any given center of excellence until 15 days after receipt of the required information.

While there is support for the expansion of CTR into countries outside of the FSU, the members of the Committees on Armed Services of the Senate and the House of Representatives would like to understand in more detail plans for new centers as these plans evolve.

Plan for nonproliferation, proliferation prevention, and threat reduction activities with The People's Republic of China (sec. 1304)

The Senate committee-reported bill contained a provision (sec. 1304) that would direct the Secretary of Defense and the Secretary of Energy to submit a joint report to the congressional defense committees on the 5-year plan to carry out nonproliferation and threat reduction activities with the

People's Republic of China (PRC). The plan would be due by March 1, 2011.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would change the due date of the report to April 1, 2011.

While there is support for nonproliferation, threat reduction, and proliferation prevention efforts with the PRC, there is also an expectation that these efforts should be part of a partnership to address common threats and challenges. To be successful this partnership must include commitments by the PRC to actively support these important efforts technically, financially, and politically.

TITLE XIV-OTHER AUTHORIZATIONS

Subtitle A-Military Programs

Working capital funds (sec. 1401)

The House bill contained a provision (sec. 1401) that would authorize appropriations for working capital funds.

The Senate committee-reported bill contained a similar provision (sec. 1401).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Study on working capital fund cash balances (sec. 1402)

The House bill contained a provision (sec. 1402) that would require a study to determine a sufficient operational level of cash that each revolving fund of the Department of Defense should maintain in order to sustain a single rate or price throughout the fiscal year.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Modification of certain working capital fund requirements (sec. 1403)

The House bill contained a provision (sec. 1403) that would amend section 2208 of title 10, United States Code, and update funding account levels in line with standard capital purchases.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund (sec. 1404)

The House bill contained a provision (sec. 1404) that would require the return of \$53.0 million of excess unobligated balances within the Pentagon Reservation Maintenance Revolving Fund to the Miscellaneous Receipts Fund of the United States Treasury.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

National Defense Sealift Fund (sec. 1405)

The House bill contained a provision (sec. 1405) that would authorize appropriations for the National Defense Sealift Fund.

The Senate committee-reported bill contained a similar provision (sec. 1402).

The agreement includes the House provision.

Chemical Agents and Munitions Destruction, Defense (sec. 1406)

The House bill contained a provision (sec. 1406) that would authorize appropriations for the Chemical Agents and Munitions Destruction, Defense.

The Senate committee-reported bill contained a similar provision (sec. 1404).

The agreement includes the House provision.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1407)

The House bill contained a provision (sec. 1407) that would authorize appropriations for fiscal year 2011 for Drug Interdiction and Counter-Drug Activities, Defense-wide.

The Senate committee-reported bill contained a similar provision (sec. 1405).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Inspector General (sec. 1408)

The House bill contained a provision (sec. 1408) that would authorize appropriations for fiscal year 2011 for the Office of

the Inspector General of the Department of Defense.

The Senate committee-reported bill contained a similar provision (sec. 1406).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Health Program (sec. 1409)

The House bill contained a provision (sec. 1409) that would authorize appropriations for fiscal year 2011 for the Defense Health Program.

The Senate committee-reported bill contained a similar provision (sec. 1403).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B-National Defense Stockpile

Authorized uses of National Defense Stockpile funds (sec. 1411)

The House bill contained a provision (sec. 1411) that would authorize up to \$41.2 million of funds in the National Defense Stockpile fund and additional amounts in the event of extraordinary or emergency conditions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile (sec. 1412)

The House bill contained a provision (sec. 1412) revising the receipt objectives for previously authorized disposals from the National Defense Stockpile.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle C-Chemical Demilitarization Matters

Consolidation and reorganization of statutory authority for destruction of United States stockpile of lethal chemical agents and munitions (sec. 1421)

The Senate committee-reported bill contained a provision (sec. 1411) that would consolidate, reorganize, and restate the statutory authority for the destruction of the United States stockpile of lethal chemical agents and munitions.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle D-Other Matters

Authorization of appropriations for Armed Forces Retirement Home (sec. 1431)

The House bill contained a provision (sec. 1421) that would authorize \$71.2 million to be appropriated for fiscal year 2011 from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home.

The Senate committee-reported bill contained a similar provision (sec. 431).

The agreement includes the Senate provision.

Authority for transfer of funds to Joint Department of Defense- Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Heath Care Center, Illinois (sec. 1432)

The House bill contained a provision (sec. 717) that would require the Secretary of Defense to submit to Congress a report providing notice of any proposed transfer of funds to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained a provision (sec. 1421) that would authorize the Secretary of Defense to transfer funds from Defense Health Program operation and maintenance to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund to be used for operations of the Captain James A. Lovell Federal Health Care Center or other facilities designated as a combined federal medical facility.

The agreement includes the Senate provision with an amendment that would authorize the transfer of \$132.0 million in fiscal year 2011 to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) stating the purpose of this title which is to authorize additional appropriations for overseas contingency operations.

The Senate committee-reported bill contained a similar provision (sec. 1500).

The agreement includes the House provision.

Procurement (secs. 1502-1508)

The House bill contained provisions (secs. 1502, 1503(a), 1504-1506, 1508, and 1509) that would authorize appropriations for Army procurement, the Joint Improvised Explosive Device Defeat Fund, Navy and Marine Corps procurement, Air Force procurement, defense-wide activities, National Guard and Reserve equipment, and the Mine Resistant Ambush Protected Vehicle Fund.

The Senate committee-reported bill authorized appropriations for these activities in one provision (sec. 1501).

The agreement includes the House provisions with amendments to reflect the agreed authorization levels.

Research, development, test and evaluation (sec. 1509)

The House bill contained a provision (sec. 1510) that would authorize appropriations for research, development, test, and evaluation.

The Senate committee-reported bill contained a similar provision (sec. 1502).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Operation and maintenance (sec. 1510)

The House bill contained a provision (sec. 1511) that would authorize appropriations for operation and maintenance.

The Senate committee-reported bill contained a similar

provision (sec. 1503).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Military personnel (sec. 1511)

The House bill contained a provision (sec. 1514) that would authorize appropriations for military personnel.

The Senate committee-reported bill contained a similar provision (sec. 1504).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Working capital funds (sec. 1512)

The House bill contained a provision (sec. 1515) that would authorize appropriations for working capital funds.

The Senate committee-reported bill contained a similar provision (sec. 1505).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Health Program (sec. 1513)

The House bill contained a provision (sec. 1516) that would authorize appropriations for the Defense Health Program.

The Senate committee-reported bill contained a similar provision (sec. 1506).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1514)

The House bill contained a provision (sec. 1517) that would authorize appropriations for drug interdiction and counter-drug activities, defense-wide.

The Senate committee-reported bill contained a similar provision (sec. 1507).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Inspector General (sec. 1515)

The House bill contained a provision (sec. 1518) that would authorize appropriations for the Defense Inspector General.

The Senate committee-reported bill contained a similar

provision (sec. 1508).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B-Financial Matters

Treatment as additional authorizations (sec. 1521)

The House bill contained a provision (sec. 1521) that would treat the amounts authorized in this title as additional to amounts otherwise authorized by this Act.

The Senate committee-reported bill contained an identical provision.

The agreement includes this provision.

Special transfer authority (sec. 1522)

The House bill contained a provision (sec. 1522) that would authorize the transfer of up to \$3.5 billion of authorizations for overseas contingency operations funding authorizations in this title.

The Senate committee-reported bill contained a similar provision (sec. 1522) that would provide \$4.0 billion in transfer authority.

The agreement includes the Senate provision.

Subtitle C-Limitations and Other Matters

Limitations on availability of funds in Afghanistan Security Forces Fund (sec. 1531)

The House bill contained a provision (sec. 1512) that would apply certain terms and conditions of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to funds authorized in this title for the Afghanistan Security Forces Fund (ASFF) or any other funds made available to the Department of Defense for the ASFF.

The Senate committee-reported bill contained a similar provision (sec. 1532). The provision would also make technical amendments to section 1513 of Public Law 110-181.

The agreement includes the House provision with a technical amendment.

Limitations on availability of funds in Iraq Security Forces Fund (sec. 1532)

The House bill contained a provision (sec. 1513) that would apply certain terms and conditions of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to funds authorized in this title for the Iraq Security Forces Fund (ISFF) or otherwise made available to the Department of Defense for the ISFF during fiscal year 2011. The provision would also require that the Government of Iraq share the costs of any item or service procured for the Iraqi security forces with funds from the ISFF, with the exception of items or services that are either significant military equipment as defined by the Arms Export Control Act (22 U.S.C. 2794(9)) or are included on the United States Munitions List, as defined in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

The Senate committee-reported bill contained a provision (sec. 1533) that would authorize funds for the ISFF and subject those funds to certain terms and conditions. The provision would also limit the availability of funds authorized for the ISFF to \$500.0 million until the Secretary of Defense certifies to Congress that the Government of Iraq has demonstrated a commitment to build its capacity to maintain and manage the Iraqi security forces and to sustain equipment provided or acquired with U.S. assistance.

The agreement includes the House provision with an amendment that would limit the availability of funds authorized for the ISFF to \$1.0 billion until the Secretary of Defense provides a certification relating to the commitment of the Government of Iraq to maintain, manage, and sustain the Iraqi security forces. The House provision is also amended to include a technical amendment.

Continuation of prohibition on use of United States funds for certain facilities projects in Iraq (sec. 1533)

The House bill contained a provision (sec. 1519) that would make funds authorized to be appropriated under this title subject to the prohibition in section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) on the use of authorized funds for the acquisition, conversion, rehabilitation, or installation of facilities in Iraq for the use of the Government of the Republic of Iraq, political subdivisions of Iraq, or agencies, departments, or forces of the Government of Iraq or its subdivisions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Joint Improvised Explosive Device Defeat Fund (sec. 1534)

The House bill contained a provision (sec. 1503) that would authorize \$3.5 billion for the Joint Improvised Explosive Device Defeat Fund.

The Senate committee-reported bill contained a similar provision (sec. 1501).

The agreement includes the House provision with an amendment that repeals section 1503 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year 2009 (Public Law 110-417) as well as section 1514(e) of the John Warner NDAA for Fiscal Year 2007 (Public Law 109-364).

Task Force for Business and Stability Operations in Afghanistan and economic transition plan and economic strategy for Afghanistan (sec. 1535)

The Senate committee-reported bill contained a provision (sec. 1534) that would authorize the use of up to \$150.0 million to support the activities of the Department of Defense's Task Force on Business and Stability Operations in Afghanistan (TFBSO). The provision would also require the Secretary of Defense, in consultation with the Secretary of State, to submit to Congress a report on an economic strategy for Afghanistan that supports the counterinsurgency campaign and promotes economic stabilization.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would authorize the activities of the TFBSO until September 30, 2011, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State. The Secretary of Defense and the Secretary of State would be required to submit a plan to transition the activities of the TFBSO to the United States Agency for International Development (USAID) for those activities that will continue in fiscal year 2012. The Senate provision is also amended to require the President to submit a report on an economic strategy for Afghanistan in support of the counterinsurgency campaign and Afghanistan's economic stabilization.

We request that within 60 days of enactment of this Act the TFBSO brief the appropriate congressional committees on the Task Force's activities and its process for selecting projects.

We understand that the Government Accountability Office is in the process of conducting a review of the TFBSO. We also understand that the U.S. Embassy in Afghanistan and the Commander, United States Forces Afghanistan, are nearing

completion of a revised civil-military campaign plan. We direct the Comptroller General to ensure that its review of the TFBSO include a discussion of (1) how the Task Force's activities support the pending civil-military campaign plan in Afghanistan; and (2) the advantages and disadvantages of transferring the activities of the TFBSO to USAID, including the potential impact on the staffing, operations, and oversight of the Task Force's activities.

TITLE XVI-IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

Definition of Department of Defense sexual assault prevention and response program and other definitions (sec. 1601)

The House bill contained a provision (sec. 1601) that would define the term 'sexual assault prevention and response program' as referring to Department of Defense policies and programs, that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response to reports of sexual assaults involving members of the armed forces.

The Senate committee-reported bill contained no similar provisions.

The agreement includes the House provision with a clarifying amendment.

Comprehensive Department of Defense policy on sexual assault prevention and response program (sec. 1602)

The House bill contained a provision (sec. 1612) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to use consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the armed forces in implementing the Department of Defense sexual assault prevention and response program.

The House bill also contained a provision (sec. 1631) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to submit to the congressional defense committees a comprehensive strategy to reduce the number of sexual assaults involving members of the armed forces.

The Senate committee-reported bill contained no similar provisions.

The agreement includes a provision that would combine the House provisions and would require the Secretary of Defense, not

later than March 30, 2012, to submit to the congressional defense committees a revised comprehensive policy for the Department of Defense sexual assault prevention and response program.

Subtitle A-Organizational Structure and Application of Sexual Assault Prevention and Response Program Elements

Sexual Assault Prevention and Response Office (sec. 1611)

The House bill contained a provision (sec. 1641) that would require that the Director of the Sexual Assault Prevention and Response Office be a general or flag officer or a Senior Executive Service employee of the Department of Defense who would serve as the single point of authority, accountability, and oversight for the Department of Defense sexual assault prevention and response program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment that would require that there would be a Director of the Sexual Assault Prevention and Response Office and that Department of Defense and service Inspectors General treat the sexual assault prevention and response program as an item of special interest when conducting certain inspections. The agreement would also require that the staff of the Sexual Assault Prevention and Response Office include an officer in the grade of O-4 or above from each of the armed forces, and that one of these officers must be in the grade of O-6 or above.

Oversight and evaluation standards (sec. 1612)

The House bill contained a provision (sec. 1615) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to issue standards to be used to assess and evaluate the effectiveness of the sexual assault prevention and response program of each military.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report and plan for completion of acquisition of centralized Department of Defense sexual assault database (sec. 1613)

The House bill contained a provision (sec. 1624) that would set a new deadline of September 30, 2011, for the Secretary of Defense to complete the implementation of the centralized sexual assault database required by section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to submit a report and plan for completion of the centralized Department of Defense sexual assault database to the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 2011.

Restricted reporting of sexual assaults (sec. 1614)

The House bill contained a provision (sec. 1643) that would entitle a member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault to legal assistance and assistance provided by a qualified Sexual Assault Victim Advocate. This provision would also require the Secretary of Defense to implement a Sexual Assault Response Coordinator-led process by which a member or dependent who is the victim of a sexual assault may decline to participate in the investigation of the sexual assault, and authorize a member of the armed forces who is a victim of a sexual assault to confidentially disclose the details of the assault to specified individuals and receive medical treatment, legal assistance, or counseling without triggering an official investigation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to clarify the limitations on the ability of a member of the armed forces to make a restricted report regarding the occurrence of a sexual assault and the circumstances under which information contained in a restricted report may no longer be confidential.

**Subtitle B-Improved and Expanded
Availability of Services**

Improved protocols for providing medical care for victims of

sexual assault (sec. 1621)

The House bill contained a provision (sec. 1646) that would require the Secretary of Defense to establish protocols for providing medical care to a member of the armed forces who is a victim of a sexual assault.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Sexual assault victims access to victim advocate services (sec. 1622)

The House bill contained a provision (sec. 1643) that would entitle a member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault to legal assistance and assistance provided by a qualified Sexual Assault Victim Advocate. This provision would also require the Secretary of Defense to implement a Sexual Assault Response Coordinator-led process by which a member or dependent who is the victim of a sexual assault may decline to participate in the investigation of the sexual assault, and authorize a member of the armed forces who is a victim of a sexual assault to confidentially disclose the details of the assault to specified individuals and receive medical treatment, legal assistance, or counseling without triggering an official investigation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision that would entitle the member or dependent to assistance of a qualified Sexual Assault Victim Advocate with a clarifying amendment.

Subtitle C-Reporting Requirements

Annual report regarding sexual assaults involving members of the armed forces and improvement to sexual assault prevention response program (sec. 1631)

The House bill contained a provision (sec. 1632) that would require the secretaries of the military departments, by January 15 of each year, to submit to the Secretary of Defense a report on the sexual assaults involving members of the armed forces under the jurisdiction of that secretary during the preceding year, and the Secretary of Defense to submit these reports, with comments, to the Committees on Armed Services of the Senate and

the House of Representatives no later than March 15 of the year following the year covered by the report.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the service secretaries to submit reports on sexual assault to the Secretary of Defense not later than March 1 of each year, and the Secretary of Defense to forward the reports, including an assessment of the reports, to the Committees on Armed Services of the Senate and the House of Representatives not later than April 30 of each year. The provision would also require the Secretary of Defense to establish a consistent definition of "substantiated" not later than December 31, 2011.

Additional reports (sec. 1632)

The House bill contained a provision (sec. 1662) that would require the Secretary of Defense, within 90 days of the date of enactment of this Act, to revise materials made available under the sexual assault prevention and response program to include information on the extent to which dependents of members of the armed forces, retired members, Department of Defense civilian employees, and employees of defense contractors are eligible for sexual assault prevention and response services under the sexual assault prevention and response program; and, within 1 year of the date of enactment of this Act, to submit to the congressional defense committees a report on the feasibility of extending all sexual assault prevention and response services to dependents of members of the armed forces, retired members, Department of Defense civilian employees, and employees of defense contractors who are victims of a sexual assault.

The House bill also contained a provision (sec. 1617) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to submit to the congressional defense committees a report on the application of the sexual assault prevention and response program for the reserve components.

The House bill also contained a provision (sec. 1645) that would amend section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), to require that, in the case of a general or special court-martial involving a sexual assault, a copy of the prepared record of the proceedings of the court-martial would be given to the victim of the offense if the victim testified during the proceedings.

The House bill also contained a provision (sec. 1643) that would entitle a member of the armed forces, or a dependent of a

member of the armed forces, who is the victim of a sexual assault to legal assistance provided by a certified military legal assistance counsel.

The House bill also contained a provision (sec. 1618) that would require the Secretary of Defense to conduct a review of the effectiveness of section 920 of title 10 United States Code (article 120 of the Uniform Code of Military Justice).

The Senate committee-reported bill contained no similar provisions.

The agreement combines the House provisions with an amendment that would require the Secretary of Defense to evaluate: (1) the feasibility of extending sexual assault prevention and response services to Department of Defense civilian employees and employees of defense contractors who are victims of sexual assault; (2) the application of the sexual assault prevention and response program to members of the reserve components; (3) the feasibility of requiring that a copy of the prepared record of proceedings of a general or special court-martial involving a sexual assault be given to the victim in cases in which the victim testified; (4) the feasibility of authorizing legal assistance for service members and dependents of service members who are victims of a sexual assault; and (5) the feasibility of utilizing trained forensic medical examiners when sexual assaults involving members of the armed forces occur in a military environment where civilian resources are limited or unavailable.

DIVISON B-MILITARY CONSTRUCTION AUTHORIZATIONS

Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2001).

The agreement includes the Senate provision.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVI and title XXIX shall expire on October 1, 2013, or the date

of enactment of an act authorizing funds for military construction for fiscal year 2014, whichever is later.

The Senate committee-reported bill had an identical provision (sec. 2002).

The agreement contains this provision.

TITLE XXI-ARMY MILITARY CONSTRUCTION

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2101).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

The agreement does not include authorizations for construction of three museum support facilities requested by the Department of the Army at Fort Benning, Georgia, Fort Sill, Oklahoma, and Fort Lee, Virginia. The proposed facilities were intended to support the relocation of military artifacts and collections currently on display and open to the general public at museums at Fort Knox, Kentucky, Fort Bliss, Texas, and Aberdeen Proving Ground, Maryland. The Army requested the authorizations for the new construction to support the realignment of three schools, Armor, Ordnance, and Air Defense Artillery, to new locations as a part of the 2005 round of Base Realignments and Closures (BRAC). The Department of the Army has conveyed its intent to construct facilities that will not be open to the general public, but will serve primarily as a training room for the schools.

We strongly support the Army's objective to properly preserve for public use historic sites, buildings, and objects of national significance as these collections not only inform the general public of the proud legacy and history of the Army, but also inspire younger generations to military service.

As such, we are concerned that the Army's current plan will prohibit the general public from viewing these outstanding collections at their new locations until museums are constructed with privately-raised resources. In addition, if these collections are deemed by the Department of the Army as critical

to the relocation and operation of the three schools, the facilities should be funded from accounts established to carry out BRAC construction.

As such, we strongly encourage the Department of the Army to develop a plan that will allow the relocation of these museum artifacts and collections in a way that satisfies the law, meets the training and education needs of the Department of the Army, and continues to afford the general public the opportunity to view these critical representations of American history.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2011. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate committee-reported bill contained an identical provision (sec. 2102).

The agreement includes this provision.

Improvements to military family housing (sec. 2103)

The House bill contained a provision (sec. 2102(c)) that would authorize funding for fiscal year 2011 to improve existing family housing.

The Senate committee-reported bill contained an identical provision (sec. 2103).

The agreement includes this provision.

Authorization of appropriations, Army (sec. 2104)

The House bill contained a provision (sec. 2101(c)) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate bill contained a similar provision (sec. 2104).

The agreement includes these provisions.

Use of unobligated Army military construction funds in conjunction with funds provided by the Commonwealth of Virginia to carry out certain fiscal year 2002 project (sec. 2105)

The House bill contained a provision (sec. 2103) that would authorize the Secretary of the Army to construct a fire station at Fort Belvoir, Virginia, using available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2011, in conjunction with funds contributed by the Commonwealth of Virginia.

The Senate committee-reported bill contained a similar provision (sec. 2833).

The agreement includes the House provision with an amendment adding a requirement for congressional notification.

Modification of authority to carry out certain fiscal year 2009 project (sec. 2106)

The House bill contained a provision (sec. 2104) that amends the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417) by striking "Katterback" and inserting "Grafenwoehr".

The Senate committee-reported bill contained an identical provision (sec. 2106).

The agreement includes this provision.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2107)

The House bill contained a provision (sec. 2105) that allows the Secretary of the Army to construct up to a 40,100 square-foot brigade headquarters for Fort Riley, Kansas, consistent with the Army's construction guidelines for brigade headquarters. This project was previously authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84).

The Senate committee-reported bill contained an identical provision (sec. 2107).

The agreement includes this provision.

Extension of authorizations of certain fiscal year 2008 projects (sec. 2108)

The House bill contained a provision (sec. 2106) that would extend the authorization for Army fiscal year 2008 military construction projects at various locations.

The Senate committee-reported bill contained a similar provision (sec. 2105).

The agreement includes the Senate provision.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy and Marine Corps for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2201).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

The agreement includes a reduction in the authorization of appropriations of \$32.5 million that was requested for the construction of two headquarters facilities at Camp Lemonier, Djibouti.

We strongly support the Department of the Navy's intent to construct modern and secure facilities at Camp Lemonier that will protect U.S. military personnel while enabling Combined Joint Task Force-Horn of Africa (CJTF-HOA) and other military forces operating at the Camp to carry out their assigned missions.

We note that this installation has been identified by the Department of Defense as the only location in Africa proposed as an enduring presence and that it will continue to serve United States Africa Command (AFRICOM) as a hub for its full range of humanitarian and military missions on the continent and region.

We also strongly support projects intended to improve the living conditions and quality of life for military forces stationed at this location.

We note that over \$180.0 million has been invested in military construction projects in the last 3 years and another \$200.0 million is planned to be invested over the next 5 years to support the long-term presence of U.S. military forces at Camp Lemonier. We understand that the Department plans the eventual stationing of 3,500 U.S. military personnel at Camp Lemonier with the potential to surge to 5,000 personnel.

Given this sizable force of U.S. personnel, we are concerned that major construction projects are being sited and constructed within an existing, constrained 500 acre compound adjacent to the joint-use host nation civilian runway without a master plan to ensure all facilities meet force protection and anti-terrorism standards adopted by the Department of Defense.

We note that the current future-years defense plan of the Department of the Navy for Camp Lemonier does not include all projects or the costs required to correct critical deficiencies in living and work facilities. We are also concerned that formal agreements are not in place with the host nation to transition from a 5-year lease with one more 5-year option to a more long-term agreement that would ensure long-term access to the facilities.

The committees also note that the Department of the Navy has identified available land for expansion and "the opportunity to plan and build the bases correctly from the beginning."

We therefore direct the Department of the Navy, in collaboration with AFRICOM, to review the planned roles and missions proposed for Camp Lemonier, including the future of CJTF-HOA, and develop a master plan for the installation that will establish a set of facility priorities to focus resources towards compliance with Unified Facility Criteria (UFC) and other force protection measures, particularly in the elimination of temporary facilities and tents. This master plan should be formally agreed upon by all pertinent functions within the Department of Defense before proceeding with further military construction projects.

The master plan should contain, at a minimum, the following elements:

- (1) the results of a Joint Staff Integrated Vulnerability Assessment (JSIVA);
- (2) a review of all current and planned missions proposed to be conducted at Camp Lemonier in order to ascertain the full range of facility requirements;
- (3) a comprehensive facility list and site plan required to support the planned military force that is informed by the JSIVA, UFC, and other force protection guidance;
- (4) a site plan for Camp utility plants, fuel storage, and infrastructure that will ensure maximum practicable force protection, while minimizing negative impacts to the quality of life of base personnel;
- (5) a determination whether more acreage will be required to safely support the planned military population;
- (6) a list of priorities for construction intended to focus resources on the greatest risks to the protection of forces, as well as the elimination of expensive temporary facilities and tents.
- (7) an agreement with the Host Nation for long-term use of the base;

(8) an investment strategy that will establish annual funding levels for new construction projects to meet the operational needs of incoming forces with minimum reliance on temporary structures and tents.

(9) a review of the proposed site and design of the two headquarters facilities proposed in the Fiscal Year 2011 budget request to determine whether combining the two requirements in one facility will reduce the overall square footage and save taxpayer funds.

We direct the Secretary of the Navy and the Commander, AFRICOM to report back to the congressional defense committees, no later than 1 month after completion of the master plan or within 1 year of enactment of this Act, so that there is no further delay to the execution of critical construction projects at Camp Lemonier.

The agreement includes a reduction in the authorization of appropriations of \$320.0 million that was requested for the construction of aircraft parking, site preparation, and utilities on Guam to support relocation of 8,000 Marines and their families from Okinawa to Guam. This realignment is a key element of the transformation of the alliance with Japan and secures the enduring presence of remaining U.S. forces in Japan.

We are aware that the success of this agreement continues to depend on many factors including tangible progress towards completion of the Futenma Replacement Facility (FRF), the completion of the environmental impact statement for Guam for coral reefs and training operations, as well as final coordination with the Guam State Historical Preservation Office concerning the impact to cultural and historic resources on the Island.

We also note that negotiations still continue in the U.S. government and with the Government of Japan to determine the funding responsibility for over \$1.3 billion estimated by the Environmental Protection Agency to upgrade utilities and civilian infrastructure on the Island.

Regarding the FRF, the "Agreement Between the Government of the United States of America and The Government of Japan Concerning the Implementation of the Relocation of III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam" signed on February 17, 2009, specifically cites in Article 3 that "The Relocation shall be dependent on tangible progress made by the Government of Japan toward completion of the Futenma Replacement Facility as stipulated in the roadmap." We note that 'tangible progress' was previously considered by the Department of Defense (DOD) to be a signature by the Governor of Okinawa on a landfill permit required to commence

construction of the off-shore runway. This action has yet to be completed.

As for the planned construction on Guam, the Department of the Navy published a Record of Decision (ROD) for an Environmental Impact Statement (EIS) on September 20, 2010. We note that the ROD deferred any recommendation or mitigation proposals for the impact to coral reefs in Apra Harbor and for Marine Corps training ranges on the island pending further studies.

We also note that litigation against the Department of the Navy's ROD has been filed by the National Trust for Historic Preservation, the Guam Preservation Trust, and a local organization, "We are Guahan."

We also note that construction for the majority of the military construction projects authorized to date has been delayed pending resolution of these issues and the goal for completion of the move by 2014 has been deferred by a recommendation in the ROD to adopt a pace of construction consistent with the ability of Guam's resources and infrastructure to support a certain level of effort.

In addition, the congressional committees have requested in numerous Acts the need for the Department of Defense to provide Congress a plan detailing the level of effort and the total cost estimate for each facility and infrastructure item required to complete the relocation of Marines to Guam. As of the date of this Act, the Department of Defense has not submitted this plan.

We are also concerned that required investments in civilian infrastructure, highlighted by the Government Accountability Office (GAO) in numerous reports in 2008 and 2009 are not addressed in the current budget for other federal agencies. In the latest report, "Defense Infrastructure: Guam Needs Timely Information from DOD to Meet Challenges in Planning and Financing Off-Base Projects and Programs to Support a Larger Military Presence" (GAO-10-90R, November 13, 2009), GAO cited the testimony before the Committee on Energy and Natural Resources of the Senate in May 2008, where the Governor of Guam outlined requirements totaling \$6.1 billion to expand the commercial port, roadways, power, water, and other infrastructure as well as certain public services in support of the buildup. These infrastructure needs and services were proposed to be part of a multiyear funding program to ensure that Guam would be able to support the buildup and secure post-buildup sustainability. Investments by the United States Government in Guam's infrastructure for port upgrades, roads, and utilities are the essential first steps to ensure that significant construction efforts can be supported without detrimental impact to the local community.

We also note that the leaders in the United States Marine Corps have publicly stated that the establishment of live fire training areas on Guam is absolutely essential to the successful relocation of Marines from Okinawa. While the EIS identified two parcels of land on Guam currently under the control of the Government of Guam or private owners, the ROD defers a decision on land required to satisfy training and range requirements identified by the Marine Corps. Even with the successful purchases of the non-DOD lands identified in the EIS, the Marine Corps will not have a dedicated dud producing ordnance impact area, which limits heavy machine gun training. The current plan does not provide for an integrated combined-arms maneuver range, nor does it provide an area for amphibious landing beaches.

In addition, the current plan will provide limited Special Use Airspace, preventing close air support training. One proposed solution would be the use of Tinian Island and the Commonwealth of the Northern Mariana Islands, but to date, DOD has not identified or planned for projects in these areas to support training for a full spectrum of Marine Corps operations.

In consideration of these facts, we recommend that authorizations for the construction of future projects requested to support the movement of Marines to Guam be deferred until the DOD provides Congress with:

- (1) certification that tangible progress has been made to implement a final decision concerning the FRF considered acceptable to DOD and meeting the operational requirements for the United States Marines on Okinawa;

- (2) a certification that section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665) consultation has concluded and a description of the proposed mitigation to support the culmination of negotiations;

- (3) a determination of requirements and estimate of the amounts for the upgrade of civilian infrastructure, facilities, and utilities that will be the funding responsibility of the Department of Defense;

- (4) a plan to address all civilian requirements for the support of the 8,000 Marines, their families, and the temporary construction workers on Guam;

- (5) tangible progress towards the acquisition of lands on Guam required to support Marines Corps training ranges; and

- (6) an updated master plan for the construction of facilities, infrastructure, and costs required to complete the relocation of Marines to Guam.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy and Marine Corps for fiscal year 2011. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate committee-reported bill contained an identical provision (sec. 2202).

The agreement includes this provision.

Improvements to military family housing (sec. 2203)

The House bill contained a provision (sec. 2202(c)) that would authorize funding for fiscal year 2011 to improve existing family housing.

The Senate committee-reported bill contained an identical provision (sec. 2203).

The agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2201) that would authorize appropriations for the active component military construction and family housing projects of the Navy and Marine Corps for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction and family housing projects authorized for the active-duty component of the Navy and Marine Corps.

The Senate committee-reported bill contained a similar provision (sec. 2204).

The agreement includes the House provision with an amendment deleting a restriction on architectural and engineering services and design funds. While the agreement imposes no restrictions on architectural and engineering services and construction design funds, such restrictions may be warranted in the future. The lack of restriction in this agreement for such funds to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida, should not imply a position either for or against homeporting. Such a position will be determined should military construction projects be included in future budget submissions. We will review carefully any such projects that may be included in future budget requests, while closely examining evolving military construction cost estimates needed to achieve this

capability.

Technical amendment to reflect multi-increment fiscal year 2010 project (sec. 2205)

The House bill contained a provision (sec. 2203) to make a technical correction to the authorization contained in section 2204 of the Military Construction Act for Fiscal Year 2010 (division B of Public Law 111-84) for the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California.

The Senate committee-reported bill contained a similar provision (sec. 2206).

The agreement includes the House provision.

Extension of authorization of certain fiscal year 2008 project (sec. 2206)

The House bill contained a provision (sec. 2204) that would extend the authorization until October 1, 2011, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later, for a Host Nation Infrastructure project at an unspecified worldwide location.

The Senate committee-reported bill contained a similar provision (sec. 2205).

The agreement includes the House provision.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize military construction projects for the active component of the Air Force for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2301).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) that would

authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2011. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate committee-reported bill contained a similar provision (sec. 2302).

The agreement includes these provisions.

Improvements to military family housing (sec. 2303)

The House bill contained a provision (sec. 2302(c)) that would authorize funding for fiscal year 2011 to improve existing family housing.

The Senate committee-reported bill contained an identical provision (sec. 2303).

The agreement includes this provision.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2301(c)) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction and family housing projects authorized for the active-duty component of the Air Force.

The Senate committee-reported bill contained a similar provision (sec. 2304).

The agreement includes these provisions.

Extension of authorization of certain fiscal year 2007 project (sec. 2305)

The House bill contained a provision (sec. 2303) that would extend the authorization until October 1, 2011, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later, for replacement family housing units at Mountain Home Air Force Base, Idaho.

The Senate committee-reported bill contained an identical provision (sec. 2305).

The agreement includes this provision.

**TITLE XXIV—DEFENSE AGENCIES MILITARY
CONSTRUCTION**

Subtitle A-Defense Agency Authorizations

Authorized defense agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize military construction projects for the defense agencies for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2401).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Energy conservation projects (sec. 2402)

The Senate committee-reported bill contained a provision (sec. 2402) that authorized the Secretary of Defense to carry out energy conservation projects.

The House bill contained a similar provision (sec. 2403) that authorized the Secretary of Defense to carry out energy conservation projects and require that the Secretary of Defense reserve a portion of the amount for energy conservation projects for reserve components.

The agreement includes the Senate provision with an amendment requiring that the Secretary of Defense reserve a portion of the amount for energy conservation projects for reserve components.

Authorization of appropriations, Defense Agencies (sec. 2403)

The House bill contained a provision (sec. 2401(c)) that would authorize appropriations for the defense agencies. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction projects authorized for the defense agencies.

The Senate committee-reported bill contained a similar provision (sec. 2404).

The agreement includes these provisions.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2404)

The Senate committee-reported bill contained a provision

(sec. 2404) that would modify the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84) to authorize \$68.5 million for the Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii. This facility is necessary to permit the testing and demonstration of the Aegis Ashore system in time for its planned deployment in Phase 2 of the Phased Adaptive Approach to missile defense in Europe, in the 2015 timeframe.

The House bill did not contain a similar provision.

The agreement includes the Senate provision with an amendment that does not specify the location for this provision.

Subtitle B-Chemical Demilitarization Authorizations

Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)

The House bill contained a provision (sec. 2411) that would authorize appropriations for military construction projects for the chemical demilitarization program for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2411).

The agreement includes these provisions.

Modification of authority to carry out certain fiscal year 2000 project (sec. 2412)

The House bill contained a provision (sec. 2412) modifying the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65), as amended, by striking \$492.0 million and inserting \$746.0 million for an item relating to Blue Grass Army Depot, Kentucky.

The Senate committee-reported bill contained an identical provision (sec. 2412).

The agreement includes this provision.

TITLE XXV-NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would

authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate committee-reported bill contained an identical provision (sec. 2501).

The agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize \$258.884 million as the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program.

The Senate committee-reported bill contained a similar provision (sec. 2502).

The agreement includes these provisions.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Authorized Army National Guard construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2601).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Army Reserve construction and land acquisition projects (sec. 2602)

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2602).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve and Marine Corps Reserve for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2603).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air National Guard construction and land acquisition projects (sec. 2604)

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2604).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2605).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects

contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorization of appropriations, National Guard and Reserve (sec. 2606)

The House bill contained provisions (secs. 2601(b), 2602(b), 2603(b), 2604(b), and 2605(b)) that would authorize appropriations for the reserve component military construction projects for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction projects authorized for the reserve components.

The Senate committee-reported bill contained a similar provision (sec. 2606).

The agreement includes these provisions.

Extension of authorizations of certain fiscal year 2008 projects (sec. 2607)

The House bill contained a provision (sec. 2606) that would extend the authorization for a Readiness Center at East Fallowfield Township, Pennsylvania, and Base Security Improvements at Burlington, Vermont, until October 1, 2011, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

The Senate committee-reported bill contained a similar provision (sec. 2607).

The agreement includes these provisions.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Authorization of appropriations for Base Realignment and Closure activities funded through Department of Defense Base Closure account 1990 (sec. 2701)

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2011 for ongoing activities that are required to implement the decision of the 1988, 1991, 1993, and 1995 Base Closure and Realignment.

The Senate committee-reported bill contained a similar provision (sec. 2701).

The agreement includes these provisions.

Authorized Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005 (sec. 2702)

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2011 for ongoing activities that are required to implement the decision of the 2005 Base Closure and Realignment.

The Senate committee-reported bill contained a similar provision (sec. 2702).

The agreement includes these provisions.

Authorization of appropriations for Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005 (sec. 2703)

The House bill contained a provision (sec. 2703) that would authorize appropriations for fiscal year 2011 for ongoing activities that are required to implement the decision of the 2005 Base Closure and Realignment.

The Senate committee-reported bill contained a similar provision (sec. 2703).

The agreement includes these provisions.

Transportation plan for BRAC 133 project under Fort Belvoir, Virginia, BRAC initiative (sec. 2704)

The House bill contained a provision (sec. 2711) that would limit the acceptance of not more than 1,000 parking spaces at a Base Realignment and Closure (BRAC) project at Fort Belvoir, Virginia known as the "Mark Center," until the Secretary of the Army submits to the congressional defense committees a viable transportation management plan and certifies that construction has been completed to provide adequate ingress and egress from the business park at which the BRAC project is located.

The Senate committee-reported bill did not contain a similar provision.

The agreement includes the House provision with an amendment requiring the Secretary of the Army to submit a transportation plan to the congressional defense committees.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A-Military Construction Program and Military Family Housing Changes

*Availability of military construction information on internet
(sec. 2801)*

The House bill contained a provision (sec. 2801) that seeks to expand the availability of military construction information on the internet.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

*Use of Pentagon reservation maintenance revolving fund for
construction or alteration at Pentagon reservation (sec. 2802)*

The House bill contained a provision (sec. 2804) that rescinds the authority of the Secretary of Defense to use the Pentagon Reservation Maintenance Revolving Fund for construction and repairs on September 30, 2011. The Secretary has reported that the overall Pentagon renovation is scheduled to be complete in fiscal year 2012.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that restricts the use of the Pentagon Maintenance Revolving Fund for construction and alterations on September 30, 2012.

*Authority to use operation and maintenance funds for
construction projects inside the United States Central Command
area of responsibility (sec. 2804)*

The House bill contained a provision (sec. 2805) that amends section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136), as amended, to extend the use of operation and maintenance funds for construction projects at locations in the United States Central Command area of responsibility for an additional year. This section limits the total use of this authority to \$300.0 million in funds available for operation and maintenance for fiscal year 2011 with no more than \$100.0 million of operation and maintenance funds for fiscal year 2011 to be used in Afghanistan.

The Senate committee-reported bill contained a similar provision (sec. 2801).

The agreement includes the House provision with an amendment adding language extending the geographic reach of this provision to certain areas of the United States Africa Command.

Sense of Congress and report regarding employment of veterans to work on military construction projects (sec. 2805)

The House bill contained a provision (sec. 2806) that would establish a Veterans to Work pilot program that requires veterans apprenticeship programs on 20 military construction projects annually through fiscal year 2015.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment expressing the Sense of Congress that the Secretary of Defense should establish a Veterans to Work program to provide an opportunity for apprentices, who are also veterans, to work on military construction projects.

Subtitle B-Real Property and Facilities Administration

Notice-and-wait requirements applicable to real property transactions (sec. 2811)

The House bill contained a provision (sec. 2811) that would amend section 2662 of title 10, United States Code, and require additional reporting requirements associated with leases of real property owned by the United States that were previously included in section 2667 of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Treatment of proceeds generated from leases of non-excess property involving military museums (sec. 2812)

The House bill contained a provision (sec. 2812) that would amend section 2667 of title 10, United States Code, and authorize the secretary concerned to retain all the proceeds derived at a museum as a result of lease of non-excess property for the exclusive use by the museum developing such proceeds.

The Senate committee-reported bill contained a similar provision (sec. 2852) that would authorize lease of portions of the Airborne and Special Operations Museum to the Airborne and Special Operations Museum Foundation for uses consistent with

the purpose of the museum.

The agreement includes the House provision.

Limitation on enhanced use leases of non-excess property (sec. 2813)

The Senate committee-reported bill contained a provision (sec. 2811) that would ensure that enhanced use leases for non-excess property not be used to commit future-years Department of Defense funds for long-term projects that have not received approval through the normal budgeting process.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Repeal of expired authority to lease land for special operations activities (sec. 2814)

The House bill contained a provision (sec. 2813) that would repeal section 2680 of title 10, United States Code, whose authority expired on September 30, 2005.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Former naval bombardment area, Culebra Island, Puerto Rico (sec. 2815)

The House bill contained a provision (sec. 2814) that would require the Secretary of Defense to remediate a portion of the bombardment area referred to as Flamenco Beach on the Island of Culebra, Commonwealth of Puerto Rico, to permit the land to be used for public park or public recreational purposes. This section would also require the Secretary to assess the extent of military munitions safety hazards and environmental contamination existing on the balance of the bombardment area.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Secretary of Defense to conduct a study of unexploded ordinance in a portion of the former bombardment area on Culebra Island, Puerto Rico.

Subtitle C-Provisions Related to Guam Realignment

Extension of term of Deputy Secretary of Defense's leadership of

Guam Oversight Counsel (sec. 2821)

The House bill contained a provision (sec. 2823) that would extend the Deputy Secretary of Defense's leadership of the Guam Oversight Counsel until September 30, 2020.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Utility conveyances to support integrated water and wastewater treatment system on Guam (sec. 2822)

The House bill contained a provision (sec. 2824) that would provide the Secretary of Defense the authority to convey water and wastewater treatment utility systems to the Guam Waterworks Authority. As consideration for conveying these utilities, should they be conveyed, the Guam Waterworks Authority shall pay the fair market value of the conveyed infrastructure. If the Secretary of Defense and the Guam Waterworks Authority decide to convey these utilities, the Secretary of Defense shall be apportioned 33 percent voting representation on the Guam Consolidated Commission on Utilities. If the Secretary conveys the water and wastewater treatment utility systems to the Guam Waterworks Authority, this section would require new water and wastewater systems to also be managed and operation by the Guam Waterworks Authority. Furthermore, in the determination of fair market value, the Secretary of Defense, in consultation with the Secretary of the Interior, shall consider the value of in kind service provided by the Government of Guam pursuant to the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, and the Government of the Republic of Palau. Finally, this section would authorize the Secretary of Interior to provide technical assistance to the Secretary of Defense to support the integrated water and wastewater treatment utility systems on Guam.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Report on types of facilities required to support Guam realignment (sec. 2823)

The House bill contained a provision (sec. 2825) that would require the Secretary of Defense to provide a report to the congressional defense committees within 180 days after the enactment of this Act, on the structural requirements of

facilities necessary to support the realigned forces on Guam.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Report on civilian infrastructure needs for Guam (sec. 2824)

The House bill contained a provision (sec. 2826) that would require the Secretary of Interior, in consultation with the Secretary of Defense, the Government of the Territory of Guam, and the Interagency Group on Insular Affairs, to provide a report to the congressional defense committees, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, within 180 days after the date of enactment of this Act. The Secretary of Interior would be required to include in the report an assessment of the civilian infrastructure improvements needed on Guam to support the military relocation on Guam and identify potential funding sources to support the implementation of this effort.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle D—Energy Security

Consideration of environmentally sustainable practices in Department energy performance plan (sec. 2831)

The House bill contained a provision (sec. 2831) that would amend section 2911(c) of title 10, United States Code, by modifying the required elements of the Department of Defense energy performance plan to include consideration of hybrid-electric drive and high efficiency vehicles and opportunities for high-performance construction, lease, maintenance, and operation of buildings.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Enhancement of energy security activities of the Department of Defense (sec. 2832)

The House bill contained a provision (sec. 2832) that would require the Department of Defense (DOD) to develop a plan and implementation guidelines for achieving their renewable energy requirements.

The Senate committee-reported bill contained a provision (sec. 2821) requiring the Secretary of Defense to (1) develop a comprehensive Energy Performance Master Plan including baselines, measurement methods, metrics, milestones, and investments needed to meet DOD energy performance goals; (2) require consideration of renewable energy in repairs and renovations; and (3) define specific energy efficient technologies.

The agreement includes the Senate provision with several clarifying amendments.

Subtitle E-Land Conveyances

Land conveyance, Defense Fuel Support Point (DFSP) Whittier, Alaska (sec. 2841)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Army to convey, without consideration, to the City of Whittier, Alaska, a parcel of land for the purpose of local public activities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Land conveyance, Fort Knox, Kentucky (sec. 2842)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, approximately 194 acres at Fort Knox, Kentucky, to the Department of Veterans Affairs of the Commonwealth of Kentucky for the purpose of establishing and operating a state veterans home and future expansion of the adjacent veterans cemetery.

The Senate committee-reported bill contained a similar provision (sec. 2831).

The agreement includes the Senate provision.

Land conveyance, Naval Support Activity (West Bank), New Orleans, Louisiana (sec. 2843)

The House bill contained a provision (sec. 2844) that would convey real property interests at the formal Naval Support Activity (West Bank), New Orleans, Louisiana, to the Algiers Development District.

The Senate committee-reported contained a similar provision (sec. 2832).

The agreement includes the House provision with a technical amendment.

Land conveyance, former Navy Extremely Low Frequency Communications Project Site, Republic, Michigan (sec. 2844)

The House bill contained a provision (sec. 2845) that would authorize the Secretary of the Navy to convey, without consideration, approximately seven acres comprising the former Navy Extremely Low Frequency communications project site to Humboldt Township in Marquette County, Michigan, for the purpose of assisting the local public activities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Land conveyance, Marine Forces Reserve Center, Wilmington, North Carolina (sec. 2845)

The House bill contained a provision (sec. 2846) that would authorize the Secretary of the Navy to convey, without consideration, the former Marine Forces Reserve Center in Wilmington, North Carolina, to the North Carolina State Port Authority for development of a port facility and for other public purposes.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle F-Other Matters

Limitation on availability of funds pending report regarding construction of a new outlying landing field in North Carolina and Virginia (sec. 2851)

The Senate committee-reported bill contained a provision (sec. 2841) that would prohibit the obligation or expense of funds for the study or development of a new outlying landing field in North Carolina or Virginia after fiscal year 2011 until the Secretary of the Navy provides the congressional defense committees with a report.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment clarifying the provision's findings and the report's requirements.

Requirements related to providing world class military medical

centers (sec. 2852)

The House bill contained a provision (sec. 2851) that would require the Secretary of Defense to establish a unified construction and repair standard for military medical facilities. The section would further require that the Secretary establish an advisory committee to assess the proposed design and organizational structure for military medical facilities in the National Capital Region to achieve world-class medical facility.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment increasing the scope of the advisory committee to assess design and organizational structure for military medical facilities regardless of location.

Report on fuel infrastructure sustainment, restoration, restoration, and modernization requirements (sec. 2853)

The House bill contained a provision (sec. 1422) that would require the Director of the Defense Logistics Agency to submit to the congressional defense committees a plan for addressing fuel infrastructure sustainment, restoration, and modernization requirements.

The Senate committee-reported bill had no similar provision.

The agreement includes the House provision with an amendment that provides an extended reporting date with additional reporting requirements.

Naming of Armed Forces Reserve Center, Middleton, Connecticut (sec. 2854)

The House bill contained a provision (sec. 2852) that would name the newly constructed Armed Forces Reserve Center in Middletown, Connecticut, as the "Major General Maurice Rose Armed Forces Reserve Center."

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Sense of Congress on proposed extension of the Alaska Railroad corridor across federal land in Alaska (sec. 2855)

The Senate committee-reported bill contained a provision (sec. 2853) that would express the sense of the Senate that the

Department of the Army and Department of the Air Force should explore means of accommodating this expansion using existing authorities that will not adversely impact military missions, operations, and training.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment making this a sense of Congress.

Sense of Congress on improving military housing for members of the Air Force (sec. 2856)

The Senate committee-reported bill contained a provision (sec. 2854) that would express the sense of Congress that the Department of the Air Force should use existing authority to carry out certain solicitations for military housing projects consistent with the goal of improving homes for Air Force personnel and their families by end of 2010.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment clarifying the findings contained in the provision.

Sense of Congress regarding recreational hunting and fishing on military installations (sec. 2857)

The House bill contained a provision (sec. 1067) that would express the sense of Congress that military institutions that permit recreational hunting and fishing should continue to do so.

The Senate committee-reported bill had no similar provision.

The agreement includes the House provision.

Legislative Provisions Not Adopted

Department of Defense assistance for community adjustments related to realignment of military installations and relocation of military personnel on Guam

The House bill contained a provision (sec. 2822) that would provide the Secretary of Defense temporary authority to assist the Government of Guam in mitigating the costs associated with the realignment of military forces on Guam, if the Secretary determines an unfair and excessive financial burden would be incurred by the Government of Guam, and the services and facilities would directly support the Guam realignment. This authority would be provided through existing federal programs. Finally, the transfer authority would be limited to \$500.0

million and, pending the receipt of semi-annual reports on the execution of this authority, would expire on September 30, 2017.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

We note that the Statement of Administration Policy of May 27, 2010 indicates that "the Administration is committed to addressing the needs on Guam (both on base and off) to allow for the realignment of Marines and their families from Japan. That effort requires a comprehensive government-wide approach". We share the concern that the Government of Guam does not have the capabilities to fully address the community infrastructure needs to support the relocated forces without adversely impacting Guam. We expect a Federal Government-wide approach to address community support deficiencies concurrent with support from the Government of Japan. We expect this Federal Government-wide approach to be evident in the President's fiscal year 2012 budget submission.

Insulation retrofitting assessment for Department of Defense facilities

The House bill contained a provision (sec. 2833) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of Department of Defense facilities that, if retrofitted with improved insulation, would result in cost and energy savings.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision; however, when performing annual energy evaluations as directed by section 8253 of title 42, United States Code, the Department should consider insulation retrofitting as one possible energy conservation measure.

TITLE XXIX-OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Authorized Army construction and land acquisition projects (sec. 2901)

The House bill contained a provision (sec. 2911) that would authorize overseas contingency military construction projects for the Army for fiscal year 2011. The list contained in the table in section 3002 of this Act is intended to be the binding

list of the specific project authorized at each location. Furthermore, this section would provide an authorization of appropriations for each project and provide an overall limit on the amount the Army may obligate on the military construction project.

The Senate committee-reported bill contained a similar provision (sec. 2901).

The agreement includes the Senate provision with an amendment clarifying the projects authorized by the provision.

Authorized Air Force construction and land acquisition projects (sec. 2902)

The House bill contained a provision (sec. 2912) that would authorize overseas contingency military construction projects for the Air Force for fiscal year 2011. The list contained in the table in section 3002 of this Act is intended to be the binding list of the specific project authorized at each location. Furthermore, this section would provide an authorization of appropriations for each project and provide an overall limit on the amount the Air Force may obligate on the military construction project.

The Senate committee-reported bill contained a similar provision (sec. 2902).

The agreement includes the Senate provision with an amendment clarifying the projects authorized by the provision.

Authorized defense wide construction and land acquisition projects and authorization of appropriations (sec. 2903)

The House bill contained a provision (sec. 2913) that would authorize overseas contingency military construction projects for the defense agencies for fiscal year 2011. The list contained in the table in section 3002 of this Act is intended to be the binding list of the specific project authorized at each location. Furthermore, this section would provide an authorization of appropriations for each project and provide an overall limit on the amount the defense agencies may obligate on the military construction project.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying the projects authorized.

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

Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2011, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). This title authorizes appropriations in four categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; and (4) energy security and assurance.

The budget request for atomic energy defense activities at the Department of Energy included \$17.7 billion for atomic energy defense activities, a 13.4 percent increase above the fiscal year 2010 appropriated level. Of the total amount requested:

- (1) \$11.2 billion is for NNSA, of which:
 - (a) \$7.0 billion is for weapons activities;
 - (b) \$2.7 billion is for defense nuclear nonproliferation activities;
 - (c) \$1.1 billion is for naval reactors; and
 - (d) \$448.3 million is for the Office of the Administrator;
- (2) \$5.6 billion is for defense environmental cleanup; and
- (3) \$878.2 million is for other defense activities.

The budget request also included \$6.2 million for energy security and assurance within energy supply.

The agreement includes \$17.7 billion for atomic energy defense activities, the amount of the budget request.

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize \$11.2 billion, the amount of the budget for the activities of the National Nuclear Security Administration (NNSA).

The Senate committee-reported bill contained a provision (sec. 3101) that would authorize \$11.2 billion for the activities of the National Nuclear Security Administration.

The agreement includes a provision that would authorize \$11.2 billion.

Defense environmental cleanup (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize \$5.6 billion for defense environmental cleanup, the amount of the budget request.

The Senate committee-reported bill contained a provision (sec. 3102) that would authorize \$5.6 billion for defense environmental cleanup, the amount of the budget request.

The agreement includes the House provision that would authorize \$5.6 billion for defense environmental cleanup.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize \$878.2 million for other defense activities, the amount of the budget request.

The Senate committee-reported bill contained a provision (sec. 3102) that would authorize \$878.2 million for other defense activities, the amount of the budget request.

The agreement includes the House provision that would authorize \$878.2 million for other defense activities.

Energy security and assurance (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize \$6.2 million for energy security and assurance programs.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle B-Program Authorizations, Restrictions, and Limitations

Aircraft procurement (sec. 3111)

The House bill contained a provision (sec. 3114) that would authorize the Secretary of Energy to use fiscal year 2011 funds available for weapons activities to procure two aircraft.

The Senate committee-reported bill contained a similar provision (sec. 3115).

The agreement includes the House provision with a clarifying amendment that would allow the Secretary to use weapons activities funds for any fiscal year prior to fiscal year 2012 to purchase two aircraft.

The Secure Transportation Asset (STA) program is responsible for moving nuclear weapons, weapons components and special nuclear material for the National Nuclear Security Administration (NNSA). This mission is accomplished through the use of both ground and air transport. The STA program office is in the process of replacing its aging aircraft fleet of DC-9s and C-9s with 737 aircraft. For the past 40 years various contractors have managed, operated, and maintained the aircraft to transport the weapons components, Department of Energy (DOE) and DOE contractor personnel, and other government employees as well as military and other representatives of foreign governments.

The previous contractor operators were certified by the Federal Aviation Administration (FAA) under part 119 of the FAA regulations, (14 CFR 119) as the aircraft were operating in both a public and civil aircraft status and were required to comply with the rules of both Part 121 or Part 135 of the FAA regulations. The FAA reviewed the operations of the STA in 2003 and determined that the aircraft must be operated under Part 119 and comply with Part 121 or Part 135 of FAA regulations. The FAA determined that this would be the case whether the aircraft were operated by a contractor or by pilots directly employed by the DOE or NNSA.

For future operations with the 737 aircraft, the NNSA has determined that it will no longer use a contractor to operate the new aircraft, but will utilize pilots employed by the NNSA and the contractor will manage and maintain but not operate the aircraft. In addition, NNSA has determined that it will self-regulate aircraft operations pursuant to DOE 440.2B, with oversight from the DOE Office of Aviation Management. This DOE order provides for self-regulation but requires that self-regulated aircraft operations operate in a fashion equivalent to

FAA regulations. In this instance the DOE Office of Aviation Management would perform the oversight and inspection function currently provided by the FAA under the current and former contracts for operations, maintenance, and management. NNSA, however, has taken the position that because the 737 aircraft will be operated by pilots directly employed by the NNSA, the aircraft will be operated as public aircraft and the NNSA does not have to meet the equivalency requirements of Part 119 and Part 121 or 135. This appears to be contrary to the 2003 FAA determination and could result in a lower level of flight safety.

The Secretary of Energy and the Administrator of the NNSA are directed to consult with the FAA to determine whether the operations of the STA aircraft are public or civil operations, or a combination, and the appropriate equivalency standard under which the STA aircraft should be operated, maintained, and managed. In addition, the Secretary and the Administrator are directed to submit a report to the congressional defense committees that sets forth the FAA determination, the ability of the NNSA to meet the requirements of the DOE orders if NNSA will operate as a self-regulated entity, and whether the DOE Office of Aviation is capable of conducting FAA like oversight and inspections. This report should be completed before 737 operations begin.

Biennial plan on modernization and refurbishment of the nuclear security complex (sec. 3112)

The Senate committee-reported bill contained a provision (sec. 3112) that would add a new section to the Atomic Energy Defense Act (division D of Public Law 107-314 as amended) to change the requirement for the biennial plan on modernization and refurbishment of the nuclear security complex to require the plan in even-numbered years from the current requirement for the plan in odd-numbered years. In addition, the provision would require the plan to be submitted with the plan for maintaining the nuclear weapons stockpile.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would direct the Nuclear Weapons Council to conduct an assessment and analysis of the biennial plan and submit a report setting forth the results of that review to the congressional defense committees. The report would be due 180 days after the date on which the biennial plan is submitted. In addition, the amendment includes a series of technical changes.

Comptroller General assessment of adequacy of budget requests

with respect to the modernization and refurbishment of the nuclear weapons stockpile (sec. 3113)

The House bill contained a provision (sec. 3121) that would require the Comptroller General to review the adequacy of funding contained in the budget request to achieve the goals contained in each Biennial Plan and Budget Assessment on the Modernization and Refurbishments of the Nuclear Security Complex required by section 3116 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The Comptroller would be required to submit a review to Congress 90 days after the submission of the budget request to Congress during even numbered years, consistent with the timing of the submission of the Biennial Plan and Budget Assessment.

The Senate committee-reported bill contained a provision (sec. 3111) that would require the Administrator of the National Nuclear Security Administration (NNSA) to include with the budget materials for the NNSA budget request an assessment of the adequacy of the budget request. The Administrator would be required to assess whether the budget requested for that year and the future-years nuclear security program for the weapons activities at the NNSA meets the programmatic requirements set out in the NNSA program plan documents. These documents include the annual stockpile stewardship plan known as the green book. The Administrator would be required to make this assessment in coordination with the Secretary of Defense and the Commander of the United States Strategic Command.

The agreement includes the House provision with an amendment that would require the Comptroller to conduct an annual review of the NNSA budget request to determine if it is sufficient to fulfill the plan for the modernization and refurbishment of the nuclear security complex.

Notification of cost overruns for certain Department of Energy projects (sec. 3114)

The Senate committee-reported bill contained a provision (sec. 3114) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to establish a cost and schedule baseline for each nuclear weapon stockpile life extension program. The provision would also direct the Secretary of Energy to establish a cost and schedule baseline for each defense funded construction project and for each defense environmental management project managed under the Department of Energy project management protocols with a value in excess of \$100.0 million. Each required cost and schedule baseline would be submitted to the congressional defense

committees no later than 30 days after it is developed. If the cost of any project exceeds 125 percent of the cost baseline or if the time to complete the project will exceed 125 percent of the schedule baseline, the Administrator or the Secretary as the case may be shall notify the congressional defense committees within 30 days after any such determination is made.

Within 90 days of a cost or schedule breach, the Administrator or the Secretary as applicable shall notify the congressional defense committees if the project will be terminated or continued. If the project is continued the Administrator or the Secretary as applicable shall certify that a revised cost and schedule baseline is in place, that there is no alternative available other than to continue the project and still meet mission needs, and that a management structure is in place adequate to manage and control the cost and schedule of the project in the future.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would reduce the threshold for cost breaches for construction line items and covered Environmental Management (EM) projects to \$50.0 million. The amendment would eliminate the requirement to report schedule only breaches, and increase the threshold for the breach of the per unit cost of a life extension project to 200 percent. The life extension programs would thus be required to submit a notification if the total project cost exceeds 125 percent of the initial cost baseline or if the per unit cost exceeds 200 percent of the initial per unit cost baseline.

*Establishment of cooperative research and development centers
(sec. 3115)*

The House bill contained a provision (sec. 3113) that would direct the Administrator of the National Nuclear Security Administration to establish a technology center at each national security laboratory, subject to availability of appropriations for this purpose.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the centers would be cooperative research and development centers.

While the provision would authorize the Administrator to construct, purchase, or lease facilities for these centers, there is an expectation that the centers will be established in existing facilities.

Future-years defense environmental management plan (sec. 3116)

The Senate committee-reported bill contained a provision (sec.3113) that would direct the Secretary of Energy to submit an annual 5 year environmental management budget plan for defense funded environmental management activities. This plan would be due with the annual budget request for the Environmental Management program.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Extension of authority of Secretary of Energy for appointment of certain scientific, engineering, and technical personnel (sec. 3117)

The Senate committee-reported bill contained a provision (sec. 3117) that would amend section 4601(c)(1) of the Atomic Energy Defense Act (division D of Public Law 107-314 as amended) to extend the hiring authority for scientific, engineering, and technical personnel for 5 years. This authority expired September 30, 2011.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Extension of authority of Secretary of Energy to enter into transactions to carry out certain research projects (sec. 3118)

The Senate committee-reported bill contained a provision (sec. 3118) that would amend section 646(g)(10) of the Department of Energy Organization Act (Public Law 95-91 as amended) by extending the authority to carry out research projects using other transaction authority through September 30, 2015.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Extension of authority relating to the International Materials Protection, Control, and Accounting Program of the Department of Energy (sec. 3119)

The House bill contained a provision (sec. 3111) that would extend the international materials protection control and accounting (MPC&A) program work with the Russian Federation from 10 years to 15 years.

The Senate committee-reported bill contained a similar provision (sec. 3119) that would extend the MPC&A program from 10 to 14 years.

The agreement includes the House provision.

Extension of deadline for transfer of parcels of land to be conveyed to Los Alamos County, New Mexico, and held in trust for the Pueblo of San Ildefonso (sec. 3120)

The Senate committee-reported bill contained a provision (sec. 3121) that would extend the deadline for transfer of certain parcels of land to the county of Los Alamos, New Mexico, and held in trust for the Pueblo of San Ildefonso from November 26, 2010, to September 30, 2022. Certain parcels of the land to be transferred will require environmental remediation before they can be transferred. This extension will allow the Department of Energy additional time to complete the environmental remediation.

The House bill contained no similar provision.

The agreement includes the provision with a technical amendment restating the authority for and the conditions under which the Secretary may transfer land to the Pueblo of San Ildefonso and that would include the requirement to transfer the land by September 30, 2022.

Repeal of sunset provision for modification of minor construction threshold for plant projects (sec.3121)

The Senate committee-reported bill contained a provision (sec. 3120) that would amend section 3118 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to modify permanently the definition of minor construction projects also known as general plant projects, to include any projects under \$10.0 million.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Enhancing private-sector employment through cooperative research and development activities (sec. 3122)

The House bill contained a provision (sec. 3115) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to encourage technology transfer activities at the national security laboratories and to report annually, on January 31 of each year, the number of private-sector jobs created as a result of the technology activities in the previous year.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the activities would be carried out pursuant to cooperative research and development activities. In addition, the amendment would require annual reports for 5 years beginning on January 31, 2012, and ending on January 31, 2017.

Limitation on use of funds for establishment of centers of excellence in countries outside the former Soviet Union (sec. 3123)

The Senate committee-reported bill contained a provision (sec. 3116) that would prohibit Defense Nuclear Nonproliferation program funds from being obligated to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Secretary of Energy submits to the congressional defense committees a report on the particular center to be established.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit no more than \$0.5 million from being obligated to establish any given center of excellence until 15 days after receipt of the required information.

While there is support for the expansion of National Nuclear Security Administration programs into countries outside of the FSU, the members of the Committees on Armed Services of the Senate and the House of Representatives would like to understand in more detail plans for the new centers as these plans evolve.

Department of Energy Energy Parks Program (sec.3124)

The Senate committee-reported bill contained a provision (sec. 3131) that would authorize the Secretary of Energy to establish energy parks on former defense nuclear facilities.

The House bill contained a similar provision (sec. 3112).

The agreement includes the Senate provision.

Subtitle C-Reports

Report on graded security protection policy (sec. 3131)

The House bill contained a provision (sec. 3122) that would require the Secretary of Energy to submit a report to the congressional defense committees on the implementation of the graded security protection policy of the Department of Energy no later than February 1, 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

TITLE XXXII-DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize \$28.6 million for the operations of the Defense Nuclear Facilities Safety Board (DNFSB), the amount of the budget request.

The Senate committee-reported bill contained a provision (sec. 3201) that would authorize \$33.6 million for the operation of the DNFSB, an increase of \$5.0 million.

The agreement includes the House provision.

Given the increasing level of work that the DNFSB will undertake with the two major new construction projects currently in planning by the National Nuclear Security Administration, the budget for the DNFSB will have to increase as well to ensure adequate and timely oversight.

TITLE XXXIV-NAVAL PETROLEUM RESERVES

Authorization of appropriation (sec. 3401)

The House bill contained a provision (sec. 3401) that authorized \$23.6 million for fiscal year 2011 for operation and maintenance of the Naval Petroleum Reserves.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

TITLE XXXV-MARITIME ADMINISTRATION

Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011 (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize appropriations for the Maritime Administration of the Department of Transportation for those activities of the Maritime Administration associated with maintaining national defense sealift.

The Senate committee-reported bill contained a provision (sec. 3301) that would authorize various appropriations for the Maritime Administration.

The agreement includes the House provision.

Extension of maritime security fleet program (sec. 3502)

The House bill contained a provision (sec. 3502) that would extend the authorization of the Maritime Security Fleet from fiscal year 2015 to fiscal year 2025.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

United States Merchant Marine Academy nominations of residents of the Northern Mariana Islands (sec. 3503)

The House bill contained a provision (sec. 3503) that would grant the Delegate from the Northern Mariana Islands authority to nominate cadets to the United States Merchant Marine Academy in keeping with the procedures followed for all other territories of the United States.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Research Authority (sec. 3504)

The Committee on Commerce, Science, and Transportation of the Senate reported a bill (S. 3566) that would authorize various programs within the Maritime Administration. This bill contained a provision (sec. 3) that would specifically grant authority for the faculty and staff of the United States Merchant Marine Academy to conduct research with respect to maritime-related matters and to provide other appropriate academic support and training in accordance with the mission of the Academy. There is a long standing precedent that the conferees on National Defense Authorization Acts from the Senate and the House of Representatives include in the agreement those areas of oversight and jurisdiction granted to the Committee on Commerce, Science, and Transportation of the Senate which mirror oversight and jurisdiction of the Committee on Armed Services of the House of Representatives.

The House bill contained no similar provision.

The agreement includes the Senate committee-reported provision.